



WESTMINSTER COLLEGE Equal Opportunity Policy
--

POLICY TITLE	Policy on Preventing and Addressing Discrimination and Harassment Based on Race, Color, National Origin, Religion, Disability, And Other Protected Categories (Equal Opportunity Policy)
No. 341	
Effective Date	August 27, 2018

TABLE OF CONTENTS

- 1. STATEMENT OF POLICY2**
- 2. TO WHOM THIS POLICY APPLIES2**
- 3. DEFINITIONS2**
- 4. PROHIBITED CONDUCT UNDER THIS POLICY4**
- 5. APPLICABLE PROCEDURES UNDER THIS POLICY5**
- 6. RESPONSIBILITY OF SUPERVISOR5**
- 7. EMPLOYEE RESPONSIBILITY TO REPORT PROHIBITED CONDUCT.....5**
- 8. RESPONSIBILITY OF COOPERATION AND PARTICIPATION7**
- 9. RESPONSIBLE ADMINISTRATOR7**
- 10. PROCEEDINGS FREE OF CONFLICTS OF INTEREST AND/OR BIAS.....7**
- 11. DISCIPLINARY SANCTIONS7**
- 12. TRAINING7**
- 13. RELATED POLICIES.....7**
- 14. HISTORY7**
- 15. SIGNATURE, TITLE, AND DATE OF APPROVAL.....8**



WESTMINSTER COLLEGE

Equal Opportunity Policy

1. STATEMENT OF POLICY

Westminster (“College”) is committed to providing a safe and non-discriminatory environment for all members of the college community. The College will not tolerate discrimination or harassment, in the workplace, academic setting, or in its programs or activities based on race, color, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, disability, sex, sexual orientation, gender identity, religion, military status, and genetic information. To that end, this policy prohibits specific forms of behavior that violate Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Genetic Information Nondiscrimination Act of 2008, and the Utah Antidiscrimination Act of 1965. The College also prohibits complicity, false reporting, and retaliation under this policy.

In addition, the College prohibits sexual assault, sexual and gender-based harassment, gender-based discrimination, sexual exploitation, interpersonal violence, and other conduct that violates Title IX of the Education Amendments of 1972 (“Title IX”) or the College’s obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). Those categories of prohibited conduct are governed by the College’s Policy on Sexual Assault, Sexual and Gender-Based Harassment, Gender-Based Discrimination, and Interpersonal Violence (“Title IX Policy”), which also establishes separate procedures that outline reporting options and explain how the College assesses, investigates, and resolves reports of such prohibited conduct against students and employees. Where a reporting party alleges conduct that may give rise to violations of this policy and the Title IX Policy, the Title IX coordinator will determine the appropriate procedures for investigating the allegations. The Title IX Policy supersedes any conflicting provisions contained in this policy.

2. TO WHOM THIS POLICY APPLIES

This policy applies to all Westminster College students, faculty, staff, and third parties.

3. DEFINITIONS

- A. Bias – Bias is an unfair prejudice in favor of or against one thing, person, or group compared with another.
- B. College – College means Westminster College.
- C. Complainant – The student, employee, or third party who files an official complaint with the College requesting that an investigation of prohibited conduct be initiated.
- D. Complicity – Complicity is any act taken with the purpose of aiding, facilitating, promoting, or encouraging the commission of an act of prohibited conduct by another person.



WESTMINSTER COLLEGE

Equal Opportunity Policy

- E. Confidential Employee – An employee of the Campus Counseling Center or the Westminster Student Health Services. Except as required by law to prevent an imminent threat of harm to self or others, a confidential employee will not disclose information about prohibited conduct to third parties, including the College, without the express permission of the disclosing individual.
- F. Conflict of Interest – A conflict of interest occurs where a party has multiple interests and one of those interests could influence the party’s relationship with another interest. Under this policy, actual or potential conflicts arise when financial, professional, academic, or personal considerations compromise, or have the appearance of compromising, a person’s judgment and ability to perform their duties and responsibilities to act in a fair and impartial manner.
- G. Discrimination – Conduct that denies or limits a person’s ability to benefit from or fully participate in educational programs or activities or employment opportunities because of that person’s protected characteristics or statuses, excepting any treatment permitted or required by law. Discrimination occurs when the conduct:
 - 1. adversely affects a term or condition of an employee’s employment, a student’s education, or a third party’s access to College programs or activities; or
 - 2. is used as the basis for or a factor in decisions affecting an employee’s employment, a student’s education, or a third party’s access to College programs or activities.
- H. Employees – College faculty, staff, and student-employees.
- I. Equal Opportunity Representative – An individual with assigned duties to represent the College in equal opportunity matters. Contact information for the College’s equal opportunity representatives may be found on the College’s Human Resources webpage at <https://www.westminstercollege.edu/internal-content/resources-and-services/human-resources>.
- J. Faculty – Full-time and adjunct faculty, and instructors of the College.
- K. False reporting – Providing information in any report or proceeding under this policy that is intentionally false or made maliciously without regard for the truth. False reporting does not include reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation.
- L. Harassment – Unwelcome conduct directed against a person that is based on one or more of that person’s protected characteristics or statuses, and that has the purpose or effect of (i) unreasonably interfering with the person’s employment, academic performance or participation in College programs or activities; or (ii) creating a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.



WESTMINSTER COLLEGE
Equal Opportunity Policy

- M. Prohibited Conduct – The College prohibits discrimination and harassment against a person based on protected characteristics or statuses, as well as complicity, retaliation, and false reporting under this policy.
- N. Protected Characteristics or Statuses – Race, color, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, disability, sex, sexual orientation, gender identity, religion, military status, and genetic information.
- O. Reporting Party – The student, employee, or third party who reports suspected prohibited conduct.
- P. Respondent – The student, employee, or third party who has been accused of engaging in prohibited conduct.
- Q. Responsible Employee – Any faculty, dean, staff of the office of the dean of students, cabinet member, or supervisor who is not an employee of the Campus Counseling Center or the Westminster Student Health Services.
- R. Retaliation – Retaliation is any adverse action taken against a person for making a good faith report of prohibited conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct.
- S. Students – Refers to students who are registered or enrolled for credit- or non-credit bearing coursework.
- T. Supervisor – Refers to any person who has authority to make or recommend tangible employment decisions affecting an employee, or to make or recommend academic decisions affecting a student, or to direct an employee’s work activities or a student’s academic activities.
- U. Third parties – Contractors, vendors, visitors, or guests of the College.

4. PROHIBITED CONDUCT UNDER THIS POLICY

The College prohibits discrimination or harassment in the workplace, academic setting, or in its programs or activities based on race, color, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, disability, sex, sexual orientation, gender identity, religion, military status, and genetic information, except where any such treatment is permitted or required by law. The College further prohibits complicity, retaliation, and false reporting.



WESTMINSTER COLLEGE

Equal Opportunity Policy

5. APPLICABLE PROCEDURES UNDER THIS POLICY

A report may be made to an equal opportunity representative by any present or former employee of the College, student, applicant for admission or employment, or participant in a College program or activity, who believes they have been discriminated against, harassed, or retaliated against in violation of this policy. Any such report must be filed within 300 days of the incident, as described in more detail in the *Procedures for Reports and Investigations under the Equal Opportunity Policy – Appendix A*.

6. RESPONSIBILITY OF SUPERVISOR

Supervisors are responsible for:

- knowing and understanding this policy;
- explaining this policy to persons under their supervision;
- taking appropriate action to prevent discrimination and harassment;
- being receptive to concerns and complaints of discrimination and/or harassment; and
- taking appropriate action (in consultation with equal opportunity representative) when they become aware of potential violations of this policy.

Supervisors who do not fully perform their responsibilities under this policy may be subject to disciplinary action up to and including termination.

7. EMPLOYEE RESPONSIBILITY TO REPORT PROHIBITED CONDUCT

- A. It is the responsibility of every member of the Westminster community to foster an environment free of any form of harassment or discrimination based on race, color, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, disability, sex, sexual orientation, gender identity, religion, military status, and genetic information, as well as retaliation for good faith reporting of prohibited conduct or participation in any investigation or related proceedings. As such, all members of the Westminster community are encouraged to take reasonable and prudent actions to prevent, stop, or report an act of prohibited conduct. The College will support and assist community members who take such actions.
- B. Certain College employees designated as responsible employees are required by College policy to report an act of prohibited conduct. An employee's responsibility to report incidents of prohibited conduct depends on whether they are designated as a "confidential employee" or a "responsible employee."
- a. Confidential employee means an employee of the Campus Counseling Center or Westminster Student Health Services. A confidential employee will not disclose information about prohibited conduct to third parties, including the College,



WESTMINSTER COLLEGE

Equal Opportunity Policy

without the express permission of the individual; provided however, that confidential employees may be required by law to report such information to law enforcement in the event of imminent threat of harm to self or others.

- b. Responsible employee means any faculty, dean, staff of the office of the dean of students, cabinet member, or supervisor who is not an employee of the Campus Counseling Center or the Westminster Student Health Services. A responsible employee is required to report to the College's equal opportunity representative within 48 hours all relevant details obtained directly or indirectly about an incident of prohibited conduct that involves any student or employee as a reporting party, complainant, respondent, or witness, including dates, times, locations, and names of parties and witnesses.
- C. When any person begins to disclose an incident of prohibited conduct, a responsible employee should inform the reporting party of their designation as a responsible employee and inform them of reporting options. Faculty must include in their syllabi each semester a notice approved by the provost stating that they are responsible employees and providing notice of reporting options.
- D. When any person begins to disclose an incident of prohibited conduct but requests anonymity or that no investigation into a particular incident be conducted or disciplinary action pursued, the College must weigh the reporting party's request against the College's obligation to provide a safe, non-discriminatory environment for all members of the College community, including the reporting party. Although rare, there are times when the College may not be able to honor a reporting party's request for anonymity or that no investigation or discipline be pursued in order to provide a non-discriminatory environment. If the College determines that it cannot carry out a reporting party's request, the College will inform the reporting party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. If the College pursues an investigation, it may be required to disclose the identity of the reporting party and provide all relevant details to the respondent so that they have an opportunity to fully defend themselves against any accusations. Only confidential employees are able to assure reporting parties of anonymity, subject to limited exceptions.
- E. A request by a student, employee, or third party for information regarding resources, supportive measures, or College procedures, without providing any details about an incident of prohibited conduct, is not a disclosure for purposes of this policy and therefore does not trigger a responsible employee's reporting obligations.



WESTMINSTER COLLEGE
Equal Opportunity Policy

8. RESPONSIBILITY OF COOPERATION AND PARTICIPATION

Employees and students who may have information relevant to an investigation are expected to cooperate and participate fully in any investigation and/or request for information by the investigator.

9. RESPONSIBLE ADMINISTRATOR

The equal opportunity administrator is responsible for enforcing the Equal Opportunity Policy and its related procedures on behalf of the College.

10. PROCEEDINGS FREE OF CONFLICTS OF INTEREST AND/OR BIAS

Students, employees, and third parties involved in a report or investigation of prohibited conduct have the right to proceedings that are free of conflicts of interest and/or bias.

11. DISCIPLINARY SANCTIONS

Violations of this policy may result in sanctions and corrective actions up to and including termination and/or expulsion.

12. TRAINING

All newly hired employees are required to complete training within 60 days of hire to understand their responsibilities under this policy. Thereafter, all employees are required to participate in mandatory training as determined by the responsible administrator to be appropriate or necessary.

13. RELATED POLICIES

- A. Title IX Policy on Sexual Assault, Sexual and Gender-Based Harassment, Gender-Based Discrimination, and Interpersonal Violence and accompanying procedures
- B. Policy on Consensual Relationships

14. HISTORY

Date of Last Action	Action Taken	Authorizing Entity
August 27, 2018	Policy Revision Adopted	Policy Governance Committee



WESTMINSTER COLLEGE Equal Opportunity Policy
--

September 26, 2017	Policy Revision Adopted	Policy Governance Committee
November 8, 2016	Final Policy Adopted	Policy Governance Committee
August 19, 2016	Interim Policy Adopted	Policy Governance Committee

15. SIGNATURE, TITLE, AND DATE OF APPROVAL

Approved: /s/ _____
Beth Dobkin, President