



Title: Non-Discrimination Policy	
Written by: Director of Student Services	
Date Initiated: 4/2007	Date Revised: 4/2009; 4/2012; 3/2018
Approved by:  Chancellor 1/09/2018 Date	Governing Board Approval: 1/09/2018 Date

I. Introduction

Trinity College of Nursing & Health Sciences (“the College”) is committed to providing an academic and working environment free from discrimination and harassment. Discrimination, harassment, and retaliation on the basis of a protected status 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 Civil Rights Director and Title IX Coordinator:

Steve Wehling, Civil Rights Director and Title IX Coordinator
Stevewebling@augustana.edu

Students and prospective students should report a potential violation of this Policy as soon as possible to the Civil Rights Director and Title IX Coordinator:

Steve Wehling, Civil Rights Director and Title IX Coordinator
Stevewebling@augustana.edu

The College 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 discrimination, harassment, and retaliation on the basis of sex, which are governed exclusively by the College’s Sexual Misconduct Policy.

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, including employees,

students, applicants for employment or admission, contractors, vendors, visitors, and guests. 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 Section III(e) below.

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 regarding 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. **Sex Discrimination and Sex-Based Harassment**

The College's Sex Discrimination and Sex-Based Harassment Policy implements the College's prohibition on Sex Discrimination, contains information on how to report Sex Discrimination, and sets forth the College's processes for investigating and adjudicating allegations of Sex Discrimination. The Policy prohibits all forms of Sex Discrimination, including Adverse Treatment Sex Discrimination, Policy or Practice Sex Discrimination, and Sex-Based Harassment, which includes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

e. **Protected Status**

“Protected status” is defined as an individual’s race, color, creed, ethnicity, ancestry, national origin, genetic information, sex, gender, gender identity or expression, sexual orientation, age, religion, marital status, veteran status, disability or physical ability, socioeconomic background, or other legally protected classification.

IV. **Investigation and Resolution Procedures**

The College will respond to reports of perceived prohibited conduct in an adequate, reliable, impartial, thorough, and prompt manner, as set forth below. If the College determines that discrimination has occurred, appropriate corrective and remedial actions will be taken.

a. **Mandatory Reporting of Discrimination, Harassment, and Retaliation**

This policy requires all College employees, unless designated as confidential employees because of professional confidentiality, to immediately report any complaints, reports, observations, or other information of alleged discrimination, harassment, or retaliation, to the Civil Rights Director and Title IX Coordinator.

b. **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 Civil Rights Director and Title IX Coordinator for investigation and resolution pursuant to the process for handling other types of student misconduct as contained in the Corrective Action policy.

c. **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 Civil Rights Director and Title IX Coordinator. The Civil Rights Director and Title IX Coordinator will review the report, consult with other College administrators and officials as the Dean 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. Substantiated incidents of conduct prohibited by this policy can lead to discipline up to and including termination or dismissal. If either the complainant or respondent disagrees with the determination, a grievance may be made via the Fair Treatment and Grievance policy.

d. **Timing of the Complaint**

The College encourages persons to make complaints of discrimination and harassment as soon as possible because late reporting may limit the College's ability to investigate and respond to the conduct complained of.

e. **Conduct that Constitutes a Crime**

Any complainant has the right to file a criminal complaint at any time—before, during or after the College's internal investigation. A complainant who wishes to make a complaint of discrimination or harassment that also constitutes a crime—including hate crimes, assault, or property offences—is encouraged to make a complaint with local law enforcement or UnityPoint Health Security if requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities

f. **Vendors, Contractors, Visitors, and Other Third-Parties**

This policy applies to the conduct by and toward vendors, contractors, visitors, and other third parties. Persons who believe they have been discriminated, harassed, or retaliated against in violation of this policy should report immediately to the Civil Rights Director and Title IX Coordinator.

g. **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 or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this Policy.