



Grand Canyon University Policies & Procedures

Policy Name	Nondiscrimination & Anti-Harassment Policy and Complaint Procedure	Pages	6
Department	Human Resources	Policy Number	HR-501
Subsection		Effective Date	July 1, 2018
		Revision Date	December 1, 2020

Overview

Grand Canyon University, while reserving its lawful rights where appropriate to take actions designed to ensure and promote the Christian principles that sustain its mission and heritage, prohibits unlawful discrimination, including any form of harassment and/or retaliation, on the basis of age, disability, national origin, race, color, religion, sex, pregnancy, veteran status or any other classification protected by applicable law. It is the purpose of the University to pursue the very highest employment and academic standards within a context that celebrates and extends the spiritual and ethical ideals of the Christian faith. This policy also complies with the Title IX requirements related to non-discrimination.

Scope

This policy applies to:

- All University employees, including student-workers, in all aspects of their employment relationship with the University, regardless of their position or seniority;
- All University students in their admission to and participation in the University's educational programs and activities;
- All persons participating in or accessing University sponsored programs, activities, or facilities; and
- Vendors, contractors, visitors, customers, students, or anyone else who comes in contact with University employees or students while they are engaged in GCU business.

Policy

Harassment Defined

Harassment is unwelcome behavior based on a protected classification that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in University sponsored activities. Harassing conduct may take many forms, including verbal communications and name calling, as well as nonverbal communications, such as graphic, electronic, and written statements, or physical conduct that is offensive, harmful, threatening, or humiliating.

Harassment Prohibition

Harassment of any kind is unacceptable whether in the workplace, the classroom, student housing, sports facilities or events, both in University facilities or other University-related settings, such as mission programs and University-sponsored social functions and events. Any form of harassment violates University policy even if it might not be sufficiently severe or pervasive to constitute a violation of law.

Examples of prohibited conduct include, but are not limited to:

- Verbal conduct of a discriminatory nature, such as using degrading, vulgar or discriminatory words to describe an individual, or making derogatory discriminatory comments, slurs, taunts, jokes or epithets (i.e., those which are based on race, color, ancestry, religion, citizenship, sex, sexual orientation, family care status, marital status, national origin, age, veteran status, disability, pregnancy, genetic information or any other characteristic protected by federal, state or local law;



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- Non-verbal conduct of a discriminatory nature, such as making derogatory or discriminatory gestures, displaying discriminatorily-based objects, pictures, posters or cartoons, or giving, sending or circulating derogatory or discriminatory letters, e-mail, texts and/or instant messages, voice-mail messages, gifts, notes or invitations; and/or
- Retaliating against or threatening to retaliate against a person for protesting about harassing conduct or for making a complaint about such behavior.

Harassment is considered a form of employee misconduct. Corrective action, up to and including termination, will be taken against any employee engaging in this type of behavior. Anyone who has knowledge of such behavior yet takes no action to report it is also subject to corrective action. A student who violates this policy may be terminated from educational programs.

Sexual Harassment

Title IX Sexual Harassment (applies to all GCU community members):

Title IX Sexual Harassment involves conduct, on the basis of sex, that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, AND objectively offensive that it denies a person equal educational access; OR
- An employee of the University conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

Employment-Related Sexual Harassment (applies to all GCU employees):

Employment-Related Sexual Harassment is conduct, on the basis of sex, that involves one or more of the following:

- Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute Employment-Related Sexual Harassment when:
 - It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in employment decisions or evaluations, or permission to participate in a University activity; OR
 - The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or hostile work environment.

Determining what constitutes Employment-Related Sexual Harassment depends on the specific facts and context in which the conduct occurs. Employment-Related Sexual Harassment may take many forms; subtle and indirect or blatant and overt. For example, it may:

- Be conduct toward an individual of the same or different gender, gender expression, gender identity or sexual orientation;
- Occur between peers or between individuals in a hierarchical relationship;



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- Be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance; or
- Consist of repeated actions or may even arise from a single incident if sufficiently egregious.

Sexual harassment does not refer to occasional compliments or other generally acceptable social behavior. It refers to behavior that is not welcome, is personally offensive, undermines or weakens morale and, therefore, unreasonably interferes with the work of its target. The definition includes many forms of offensive behavior and also includes harassment of a person by another person of the same gender if the harassment is based on sex.

Examples of prohibited conduct include but are not limited to:

- Offering employment, such as favorable assignments, reviews, promotions or the like, in exchange for sexual favors;
- Denying, or threatening to deny, employment for rejecting sexual advances;
- Unwanted sexual advances, propositions, flirtations or repeated unwanted requests for, or efforts to make, social contact;
- Unwelcome verbal conduct of a sexual or gender-based nature, such as using sexually degrading, vulgar or discriminatory words to describe an individual, making comments about an individual's body, discussing sexual activity, or making derogatory sexual, gender-related or discriminatory comments, slurs, taunts, jokes or epithets;
- Unwelcome verbal conduct of a sexual or gender-based nature, such as whistling, unwelcome staring, leering, displaying sexually suggestive, gender-based objects, pictures, posters or cartoons, making sexual, derogatory, obscene or discriminatory gestures, or giving, sending or circulating sexual, derogatory, obscene or discriminatory letters, e-mail messages, voice-mail messages, gifts, notes or invitations;
- Unwelcome physical conduct of a sexual or gender-based nature, such as touching, patting, pinching or repeated brushing against another's body, or impeding or blocking an individual's movement; and/or
- Retaliating, or threatening retaliation, for objecting to sexually harassing or gender-based conduct, for making a complaint about such behavior or for participating in an investigation regarding such behavior.

In addition, depending on the circumstances and/or individuals involved in the harassment, the University may concurrently review the matter for a violation of both Title IX and Employment-Related Sexual Harassment and both policies may serve as a basis for discipline.

Consensual Sexual or Romantic Relationships

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic or sexual relationships in situations where one individual has greater power or authority over the other can create a perception of favoritism or other problems in the workplace.



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The University prohibits consensual relationships of a sexual or romantic nature between staff or faculty and any employee or student with whom the staff or faculty currently exercises professional or academic authority (e.g. manager-subordinate, faculty-student and coach-student). In addition, consensual sexual conduct between GCU employees and students or prospective students are strictly prohibited under all circumstances due to the unequal power inherent in their interactions. Sexual conduct includes making sexual advances, requiring sexual favors, or engaging in other verbal or physical contact of a sexual nature. Certain exceptions to this prohibition may apply to unique situations.

Please refer to the Personal Relationships section in the Employee Handbook for additional details.

Reporting and Investigation

All members of the University community are responsible for helping to maintain an environment that is free from all forms of unlawful discrimination and harassment, as well as for cooperating with University officials who investigate allegations of policy violations. In order to ensure the University is free of prohibited discrimination and harassment, all employees are required to report all incidents of harassment that they have been advised of or have witnessed. Reports of conduct that are violations of this policy should be made to either a member of management, Human Resources, or the Title IX Coordinator:

Title IX Coordinator
3300 W. Camelback Road
Phoenix, AZ 85017
602-639-5900
titleIX@gcu.edu

Inquiries concerning the application of Title IX discrimination or harassment policies may be submitted to the Title IX Coordinator, at the above address and/or to the Office of Civil Rights for the United States Department of Education. A full copy of the University's Title IX Policy is available upon request via the Title IX Coordinator or at www.gcu.edu/TitleIX.

Complaint and Investigation Procedure

If an employee feels that he or she has been the subject of discrimination, harassment, or retaliation in violation of this policy, the employee should report the offending incident or conduct promptly. A report may be made to either a member of management, Human Resources, or the Title IX Coordinator. Timely reporting is vital to the University's ability to investigate complaints and take appropriate action, as well as to take steps to prevent further misconduct. However, employees are encouraged to report the incident or conduct even if it was not reported in the past.

In addition, it is acceptable for the employee to tell the offending person to stop the conduct immediately. However, if an individual is uncomfortable taking this action, or if the conduct does not stop after the offending person has been warned, then the employee should immediately report the incident pursuant to this policy.



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The University has no requirement regarding the form or content of a complaint pursuant to this policy. However, employees may utilize the written complaint form located on the HR department page on LopeNet at <https://gce.i-sight.com/external-capture> for assistance in making such complaint. Employees should provide as much information as possible regarding the offending incident or conduct, such as what happened or is continuing to happen, the person or persons causing the harassment, and the time(s) and place(s) that the incident(s) or conduct occurred. If available, the names of witnesses should be provided, but employees and students are encouraged to report conduct in violation of this policy even if there are no witnesses.

Depending on the circumstances, the appropriate University officials will take prompt and appropriate action to: (1) thoroughly investigate complaints; and (2) prevent, correct, and if necessary, discipline individuals who engage in behavior that violates this policy.

The investigating official will maintain the confidentiality for all parties involved to the greatest extent possible, consistent with the goal of conducting a thorough and complete investigation. Efforts will be made to safeguard the privacy and rights of all persons involved.

Reporting Complaints to Outside Agencies

An employee may also pursue any charge of harassment or discrimination with the Equal Employment Opportunity Commission (the "EEOC") or comparable state or local agency. Employees may contact the EEOC at 1801 L Street, NW, Washington, D.C. 20507 or at (800) 669-4000. (A listing of EEOC field offices may be found at <http://www.eeoc.gov/field/index.cfm>). If an employee chooses to file a complaint with an external agency, the filing will not affect the University's investigation concerning same or similar events.

Additional information regarding specific state and local statutory provisions, rights of redress, and additional forums for adjudication for harassment and discrimination claims may be found on the HR Employment Posters page on LopeNet.

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may also constitute a crime. In these situations, an employee may want to contact the local police department to report.

Retaliation

The University prohibits retaliation against anyone who complains or is involved in the filing, investigation, or resolution of a harassment or discrimination claim. The University will also not retaliate against anyone who files a complaint with, or otherwise participates in an investigation, proceeding, or hearing conducted by an outside agency. Employees who believe that they have witnessed or experienced retaliation in violation of this policy should report the retaliation pursuant to the Complaint Procedure outlined in this policy.



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Related Policies

Policy	Location
Employee Conduct	Employee Handbook
Nondiscrimination & Anti-Harassment Policy and Complaint Procedure	Employee Handbook
Code of Conduct, Conflict of Interest and Whistleblower Policy	Employee Handbook
Personal Relationships	Employee Handbook
Title IX Policy	www.gcu.edu/TitleIX

Revision History		Approved By
July 1, 2018	Original Version	Human Resources
November 12, 2018	Revised	Human Resources
December 1, 2020	Revised	Legal