



UNIVERSITY OF SAINT JOSEPH

CONNECTICUT

**EMPLOYMENT POLICY 2:
NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY & DIVERSITY
PROGRAM**

Approval Date: April 6, 2010; revised January 1, 2020
Responsible Official: Senior Human Resources Administrator 860.231.5390

Related Policies: Disability Accommodation; Open Door Policy & Employee
Complaint Process (Handbook)

POLICY:

I. Statement of Nondiscrimination

The University of Saint Joseph is accredited by the New England Commission of Higher Education and the State of Connecticut Board of Higher Education. The University of Saint Joseph, including the Gengras Center and the School for Young Children, prohibits discrimination against any persons on account of their race, color, religious creed, age, sex, gender identity or expression, sexual orientation, transgender status, marital status, national origin, ancestry, disability (including, but not limited to, intellectual disability, present or past history of mental disorder, learning disability, or physical disability), genetic information, homelessness, prior conviction of a crime, or any other class protected by law, in the administration of its educational policies, admissions policies, scholarship and loan programs, and employment practices (unless there is a bona fide occupational qualification related to employment).

II. Equal Employment Opportunity

It has always been the policy and will continue to be the strong commitment of the University to provide equal opportunities in employment to all qualified persons. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the University are based on job-related skills, ability, and merit.

The University does not discriminate or permit discrimination against any person or group of persons with regard to their race, color, religious creed, age, sex, gender identity or expression, sexual orientation, transgender status, marital status, national origin, ancestry, disability (including, but not limited to, intellectual disability, present or past history of

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mental disorder, learning disability, or physical disability), genetic information, homelessness, prior conviction of a crime, or any other class protected by law, in the administration of its educational policies, admissions policies, scholarship and loan programs, and employment practices (unless there is a bona fide occupational qualification related to employment), and promotes the full realization of that policy through a positive continuing program and through its services to the community.

In compliance with The Genetic Information Nondiscrimination Act of 2008 (GINA), the University does not discriminate or permit discrimination against any person based on genetic information, and further does not request or require genetic information of employees or their family members. Genetic information includes, for example, information about an individual's genetic tests, genetic tests of a family member, and family medical history. Genetic information does not include information about the sex or age of an individual or the individual's family members, or information that an individual *currently has* a disease or disorder. Genetic information also does not include tests for alcohol or drug use. Title II of GINA prohibits use of genetic information in making decisions related to any terms, conditions, or privileges of employment, prohibits covered entities from intentionally acquiring genetic information, requires confidentiality with respect to genetic information (with limited exceptions), and prohibits retaliation.

Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Upon request, the University will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Refer to [Employment Policy 3: Disability Accommodation](#) for more information.

The University is fully committed to assuring equal opportunity and equal consideration through an affirmative action program to all applicants and employees in personnel matters including recruitment, hiring, training, promotion, salaries and other compensation, transfers, layoffs or termination. The University affirmatively seeks personnel for all job levels within the institution through promotion and recruitment of women, members of underrepresented groups, and the disabled, and other protected class members.

III. Discrimination and Harassment Complaint Procedures

Employees and applicants for employment who have questions regarding the Equal Opportunity / Affirmative Action policy and/or have complaints of discrimination should bring them to the attention of the senior Human Resources administrator. If, for any reason, the senior Human Resources administrator is not deemed appropriate to receive

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the complaint, the complaint should be made to the University's Director of Diversity & Inclusion, Vice President of Finance & Administration, or President.

A. Reporting Discrimination

Notice of a discrimination complaint can be made in writing or verbally to the senior Human Resources Administrator or one of the alternative University employees identified above. Human Resources reserves the right to investigate any incident that may relate to this policy, regardless of whether a formal complaint is made.

The complaint should clearly describe the alleged incident, when and where it occurred, and the desired remedy, if known. Additionally, the initiator of a formal complaint should submit any supporting materials, such as text messages, voicemails, photos, and so forth.

Following receipt of a formal report, the University will take steps to protect the privacy of involved parties. Information will be shared as necessary with investigators, witnesses, the responding party, and University employees/officials. The circle of people with this knowledge will be kept as tight as possible to preserve the rights and privacy of involved parties.

Upon receiving a complaint regarding a violation of employee or applicant rights under University policy or Federal or State equal employment opportunity regulations, the senior Human Resources administrator will:

- inform the complainant of their rights according to law and provide pertinent information regarding University policy;
- discuss with the complainant the best approach for resolving the issue and provide advice or assistance to facilitate the process of resolution, including investigation of both sides of the issue and mediation;
- conduct an immediate review to determine if there is cause to proceed with further investigation.

If there is insufficient evidence to support a reasonable cause for the complaint, or if the behavior described in the complaint does not violate this policy, the grievance will be closed with no further action.

B. Investigation

If the initial review indicates cause to proceed with further investigation, the University will initiate the investigation as soon as practicable. Should this process last longer than 60 days, Human Resources will communicate the reasons and expected timeline to all parties. Reasons for extending beyond 60 days could include, but are not limited to: multi-party investigations, the availability of witnesses, disability accommodations, and periods of University closure and breaks.

Steps in the formal investigative process typically include:

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- Identify qualified investigator/s to conduct the investigation. Human Resources staff and/or the Director of Diversity & Inclusion may serve as an investigator.
- Give the respondent proper notice of the investigation and provide an opportunity for the respondent to provide information.
- Commence a thorough and impartial investigation, generally to include interviews with all relevant parties and witnesses identified by the complainant and respondent, obtaining available evidence, and identifying sources of expert information, if necessary.
- Maintain communication with the complainant and the respondent on the status of the investigation and overall process.

C. Resolution

At the conclusion of the investigation, the investigator will notify the senior Human Resources administrator, or a designated alternative senior administrator, of the findings. The senior Human Resources administrator or designee will work with appropriate management to determine whether remedial and/or corrective action is appropriate, and if so, what measures will be taken. Corrective actions will be consistent with section [VI.C. Corrective Action & Progressive Discipline](#). The senior Human Resources administrator will communicate the findings and agreed upon actions to the complainant and other relevant parties in writing. The University will take steps to correct discriminatory effects on the complainant and others and to prevent recurrence of any violations of law and/or University policy.

D. Retaliation

Retaliation against any person for alleging discrimination or for cooperating in any investigation, proceeding, or meeting relating to an alleged violation of the University's nondiscrimination policy is strictly prohibited and may result in disciplinary action, including additional interim or permanent measures. Any concerns regarding retaliation should be reported immediately to the University's senior Human Resources administrator, Director of Diversity & Inclusion, or President.

IV. Diversity Program

The University of Saint Joseph promotes equal opportunity through a positive continuing program of specific practices designed to ensure equal employment opportunity without regard to protected class status.

To implement these policies, the University will continue to:

1. Recruit, hire, train, and promote persons in all job classifications, without regard to protected class status.
2. Base decisions on employment so as to further the principle of equal employment opportunity.

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3. Ensure that all personnel actions including, but not limited to compensation, benefits, transfers, layoffs, terminations, University-sponsored training, education, tuition waiver, and social and recreational programs, are administered in accordance with our equal employment opportunity policy.
4. Ensure that promotion decisions are based on requirements in accord with principles of equal employment opportunity.
5. The University also supports programs to achieve equal employment opportunity for veterans including disabled veterans.

Each employee has a responsibility to support these objectives and to ensure that this policy is fully implemented. The University pledges itself to a determined and sustained effort in support of this Diversity Program.