

Equal Opportunity and Non-Discrimination Policy

Notice of Non-Discrimination

The Hebrew Union College –Jewish Institute of Religion (“HUC-JIR”), as an institution of higher education and as a community of scholars, is committed to the elimination of discrimination and the provision of equal opportunity in education and employment. HUC-JIR does not discriminate on the basis of disability, race, color, religion, national origin, ancestry, genetic information, marital status, sex, age, sexual orientation, veteran status or gender identity and expression in its programs and activities.

HUC-JIR does not tolerate discrimination, harassment, or retaliation on these bases and takes steps to ensure that students, employees, professors, administrators, visitors, and other third parties are not subject to a hostile environment in its programs and activities.

HUC-JIR will respond promptly and effectively to allegations of discrimination, harassment, and retaliation. The College will promptly conduct investigations and take appropriate action, including disciplinary action, against individuals found to have violated its policies, as well as provide appropriate remedies to complainants and the campus community. The College will take immediate action to end a hostile environment if one has been created, prevent its recurrence, and remedy the effects of any hostile environment on affected members of the campus community. All students found in violation of this policy shall be subject to disciplinary action up to and including suspension or dismissal from the College. Similarly, any employees, professors, or administrators found in violation of this policy shall be subject to disciplinary action up to and including termination of employment. Behavior that violates this policy may also violate federal, state, and/or local laws.

For inquiries regarding discrimination, harassment, or retaliation based on disability, race, color, religion, national origin, ancestry, genetic information, marital status, age, and veteran status, please contact the EEO Coordinator at: Marviette Johnson, National Director of Human Resources, 3101 Clifton Ave., Cincinnati, OH 45220, (513) 487-3215, mjohnson@huc.edu.

For inquiries regarding discrimination, harassment, or retaliation based on sex, sexual orientation, gender, and gender identity or expression, please contact the Title IX Coordinator at: Marviette Johnson, National Director of Human Resources, 3101 Clifton Ave., Cincinnati, OH 45220, (513) 487-3215, mjohnson@huc.edu.

Scope of the Policy

This policy applies to all College community members, including students, employees, professors, administrators, visitors, or any third parties performing services on any College campus.

This policy applies not only to discriminatory conduct occurring within the typical classroom or campus settings, but also to any location owned or operated by the College as well as College-sponsored or College-sanctioned functions taking place outside those typical settings. Such College-sanctioned functions include, but are not necessarily limited to, Field-Based Educational Experiences. The College expects that all members of its community will help promote a learning environment free from discrimination. Any off-campus discriminatory conduct that has an actual or potential adverse impact on another's College environment may also be addressed under this policy.

Discriminatory Harassment

Discriminatory harassment is conduct that has the purpose or foreseeable effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive work or learning environment for that individual. It is not necessary that the consequences actually occur; HUC-JIR strives to stop any such conduct before the consequences occur. Discriminatory harassment is harassment that is based on the targeted individual's disability, race, color, religion, national origin, ancestry, genetic information, marital status, sex, age, sexual orientation, veteran status, or gender identity and expression. Discriminatory harassment includes sexual harassment, which is further defined in the Sexual Misconduct and Interpersonal Violence Policy.

Forms of harassment include, but are not limited to: Epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts relating to race, color, religion, gender, national origin, sexual orientation, age, disability, or any other legally protected class; written or graphic material circulated by any means that creates a hostile or offensive educational environment toward an individual or group of individuals because of their race, color, religion, gender, national origin, sexual orientation, age, disability, or any other protected class. Examples of sexual harassment can be found in the definition of sexual harassment located in the Sexual Misconduct and Interpersonal Violence Policy.

Please be aware, however, that just because the expression of an idea or point of view may be offensive or inflammatory to some, it is not necessarily discriminatory. HUC-JIR values freedom of expression and the open exchange of ideas. While this value of openness protects controversial ideas, it does not protect harassment or expressions of bias or hate.

Retaliation

The College will not tolerate any form of retaliation taken against anyone who makes a complaint of conduct prohibited by this policy or anyone who cooperates in the investigation of a complaint of conduct prohibited by this policy.

How to Report a Complaint

If your complaint involves conduct of a sexual nature, domestic violence, dating violence, or stalking, please refer to the Sexual Misconduct and Interpersonal Violence Policy.

All other complaints involving conduct prohibited by this policy should immediately be reported to the EEO Coordinator, Marviette Johnson, National Director of Human Resources, 3101 Clifton Ave., Cincinnati, OH 45220, (513) 487-3215, mjohnson@huc.edu

If you believe that criminal conduct has been committed, you are encouraged to contact the local police department and/or dial 911 for emergencies.

After receipt of a complaint (or after being put on notice of conduct that may violate this policy), the EEO Coordinator for your campus will take a statement from you regarding what happened. That EEO Coordinator will ask you to describe the accused individual(s), and may ask questions about the scene of the incident, any witnesses, and what happened before and after the incident. If necessary, a referral to the local police department may be made at that time. You may have a support person with you during the interview. Unless you request confidentiality and the College is able to honor that request, an investigation into the incident will begin promptly after you report the incident.

In addition to reporting a complaint to the EEO Coordinator, you may also report a complaint to or seek information from federal or state agencies such as:

- The U.S. Department of Education's Office for Civil Rights ("OCR")
 - Chicago Office (for Cincinnati campus): (312) 886-8434
 - San Francisco Office (for Los Angeles campus): (415) 556-4275
 - New York City Office (for NY campus): (212) 637-6466
- The Ohio Civil Rights Commission ("OCRC"), Cincinnati Regional Office: (513) 852-3344
- The State of California Department of Fair Employment and Housing ("DFEF"): (800) 884-1684 (toll free for complaints and information)
- The New York City Equal Employment Practices Commission: (212) 240-7902
- The New York State Human Rights Commission on Discrimination Complaints: (212) 306-7450

Interim Measures

If your complaint involves conduct of a sexual nature, domestic violence, dating violence, or stalking, please refer to the Sexual Misconduct and Interpersonal Violence Policy.

Interim measures, also known as accommodations, are available upon receipt of a report of discrimination or harassment and prior to the resolution of a complaint, as appropriate. Available interim measures include, but are not limited to, restrictions on contact between an alleged victim and an alleged perpetrator (“no contact” orders); changes in academic or living situations; access to counseling, health, and mental health services at no cost ; academic support; victim advocacy; and escort services. If appropriate, the Title IX Coordinator, Marviette Johnson, National Director of Human Resources, generally will offer interim measures upon receipt of a report of sex discrimination, sexual misconduct, domestic violence, dating violence, or stalking. Individuals requesting additional interim measures or experiencing difficulty obtaining interim measures that have been approved should immediately contact the EEO Coordinator. Interim measures will be offered to a complainant regardless of whether the complainant chooses to participate in a hearing against the accused or whether the complainant chooses to report the incident to law enforcement. To the extent possible, any interim measures that are provided will be confidential.

Protective Measures

In addition to the interim measures described above, other protective measures also may be available by contacting law enforcement and/or the local prosecutor’s office. For example, in addition to the normal criminal process, law enforcement and/or the local prosecutor’s office may assist a student in obtaining a protection order. A protection order is a temporary order intended to help provide safety and protection to victims of certain crimes. If you have a protection order against someone and that person violates the protection order in any way, law enforcement may be able to arrest that person and charge that person with a violation of the protection order. To the extent possible, any protective measures that are provided will be confidential. If needed and to the extent necessary, HUC-JIR will provide assistance in obtaining a protection order.

Please see **the** EEO Coordinator for your campus for more information about these protective measures, including for contact information for local law enforcement and/or the local prosecutor’s office.

Investigation

If your complaint involves conduct of a sexual nature, domestic violence, dating violence, or stalking, please refer to the Sexual Misconduct and Interpersonal Violence Policy.

While all investigations will vary due to the individual circumstances surrounding the particular complaint, investigations falling under this policy will typically involve the following:

1. Preliminary review of the complaint by the EEO Coordinator to determine whether probable cause exists to believe a violation of this policy occurred.
2. Assignment of the investigation from the EEO Coordinator to an investigative team of no fewer than two (2) persons who have been trained annually to investigate complaints.
3. Notification to the accused that an investigation has commenced.
4. Interviews of the complainant, the accused, and any witnesses. The accused shall be provided a copy of any written complaint or otherwise informed of the substance of the complainant's allegations. Similarly, the complainant shall be provided with a copy of any written response provided by the accused or otherwise informed of the substance of the accused's response to the allegations.
5. Gathering and examining of relevant documents or evidence (e.g., law enforcement investigatory records, student and/or personnel files, etc.). Both the complainant and respondent will be asked to provide a list of possible witnesses as well as any written or physical evidence (e.g., text messages, social media postings, emails, photos, medical records, etc.) that they wish to be considered by the investigatory team.
6. Preparation of an investigatory report complete with a summary of interviews, relevant documents, findings, and recommendations for further action.

Both the complainant and the accused have a right to be accompanied by one support person of his or her choosing during any meeting with an investigator. That support person should not be someone who may be considered a witness. The purpose of the support person is to provide support, not advocate or impede the investigation.

Disciplinary/Adjudication Procedure

If your complaint involves conduct of a sexual nature, domestic violence, dating violence, or stalking, please refer to the Sexual Misconduct and Interpersonal Violence Policy and the Complaint/Grievance Policy – Sexual Misconduct and Interpersonal Violence.

Upon completion of its report, the investigatory team will deliver the report to the EEO Coordinator. In the event that the EEO Coordinator finds that there are reasonable grounds to believe that a violation of this policy has occurred, the EEO Coordinator will issue a notice of violation in writing to the accused and provide a copy of that notice to the complainant. Any notice of violation will also include a recommendation with regard to disciplinary action. In the event that the EEO Coordinator does not find that there are reasonable grounds to believe that a

violation has occurred, the EEO Coordinator will notify both the complainant and the accused in writing of that finding.

If either party feels aggrieved by the findings, he or she may challenge those findings through the College's applicable grievance procedure. The procedure for challenging those finding through a grievance can be found in the policy titled "Complaint/Grievance Policy – Discrimination and/or Harassment."

Possible Discipline/Sanctions

Possible discipline or sanctions for engaging in discrimination and/or harassment may include:

- Oral warning
- Letter of warning or reprimand, and a copy placed in the student's file
- Probation
- Forced leave of absence
- Suspension for a defined period of time
- Dismissal from the College

Complaint/Grievance Procedure – Discrimination and/or Harassment

For conduct of a sexual nature, domestic violence, dating violence, or stalking, please refer to the Sexual Misconduct and Interpersonal Violence Policy.

Introduction:

The Hebrew Union College –Jewish Institute of Religion ("HUC-JIR"), as an institution of higher education and as a community of scholars, is committed to the elimination of discrimination and the provision of equal opportunity in education and employment. HUC-JIR does not discriminate on the basis of disability, race, color, religion, national origin, ancestry, genetic information, marital status, sex, age, sexual orientation, veteran status or gender identity and expression in its programs and activities. HUC-JIR does not tolerate discrimination, harassment, or retaliation on these bases and takes steps to ensure that students, employees, professors, administrators, visitors, and other third parties are not subject to a hostile environment in its programs and activities.

When an allegation of discrimination or harassment is brought to the College's attention, a prompt investigation will be performed. Please see the College's Equal Opportunity and Non-Discrimination Policy for more detailed information related to filing a complaint and a possible resulting investigation. Upon conclusion of the investigation, a report will be prepared and submitted to the EEO Coordinator. In the event that the EEO Coordinator has reasonable

grounds to believe that a violation of this policy has occurred, the EEO Coordinator will issue a written notice of violation to the accused and provide a copy of that notice to the complainant. Any notice of violation will also include a recommendation regarding disciplinary measures. In the event that the EEO Coordinator does not have reasonable grounds to believe that a violation has occurred, the EEO Coordinator will notify both the complainant and the accused student in writing of that finding.

If either party feels aggrieved by the findings, he or she may challenge those findings through this grievance procedure.

If a notice of violation has been issued, and the accused fails to challenge the notice of violation by submitting a written grievance within the requisite time period, the notice of violation will be submitted to the Provost for a final decision regarding discipline.

Grievance and Adjudication Procedure:

Step 1: All grievances shall be written and submitted to the EEO Coordinator within ten (10) days of the date the grievant receives the above-described notice from the EEO Coordinator. All written grievances shall include the following: (1) the name, addresses, and phone number of the grievant; (2) a detailed description of the circumstances surrounding the grievance; and (3) the specific relief the grievance is requesting through the grievance procedure. The EEO Coordinator will promptly provide a copy of the grievance to the other involved individual(s), hereafter referred to as the respondent(s). The respondent may submit a written response to the grievance to the EEO Coordinator within 10 days of receipt of the grievance.

If the grievant or respondent believes that the EEO Coordinator has a conflict of interest or bias, the grievant or respondent shall identify his or her reasons for that belief in writing and submit that writing within 3 business days of the filing of the grievance. If it is determined that the EEO Coordinator has a conflict of interest or bias, the EEO Coordinator will be recused from the grievance process and a non-involved member of the senior administration will perform all duties assigned to the EEO Coordinator.

Step 2: After receipt of the grievance, the EEO Coordinator will contact the grievant and the respondent within five (5) business days to schedule separate pre-hearing meetings. Pre-hearing meetings are not mandatory. These pre-hearing meetings are designed to allow the grievant and/or the respondent to ask questions regarding the grievance and adjudication procedure as well as review any investigatory report. Both the grievant and the respondent are permitted to be accompanied by an advisor during the pre-hearing meeting. The advisor should not be someone who may be considered a witness to the incident at issue.

Step 3: After the pre-hearing meetings (or after the parties decline the pre-hearing meetings), the EEO Coordinator will submit the grievance and the respondent's response,

if any, to a Grievance Committee. The Grievance Committee will consist of three (3) College faculty members or administrators randomly chosen from a defined pool. If either party is a faculty member or administrator, no faculty member or administrator from that party's same department will be chosen to be on the Grievance Committee. Each of the faculty members in the defined pool receives annual training on issues related to sexual harassment, sexual assault, domestic violence, dating violence, and stalking and on the College's grievance and adjudication process. The grievant and the respondent will be promptly notified of the Grievance Committee's composition.

If either party believes that a member of the Grievance Committee has a conflict of interest or bias, that party shall identify his or her reasons for that belief in writing and submit that to the EEO Coordinator within three (3) business days of notification of the Grievance Committee's composition. If the EEO Coordinator determines that a member(s) of the Grievance Committee has a conflict of interest or bias, that member(s) of the Grievance Committee will be replaced by a different faculty member(s) from the defined pool. That process will continue with the newly identified member(s) until the Grievance Committee is finalized.

Step 4: After the Grievance Committee is finalized, the EEO Coordinator will notify the grievant and the respondent of the date, time, and location of the grievance hearing. The parties will receive at least ten (10) days' notice of the hearing. Prior to the Grievance Committee hearing, the Grievance Committee will be provided a copy of any investigatory report. The parties will also be provided a copy of the investigatory report, but without copies of sensitive documents such as medical records. Note that the parties have an opportunity to review the full investigatory report in the pre-hearing meeting.

Both the grievant and the respondent are permitted to present relevant witnesses and evidence at the hearing. Each party must identify in writing to the EEO Coordinator the witnesses and/or evidence he or she intends to present at the hearing no later than seven (7) days prior to the hearing. The College prefers the use of live witnesses, but if a witness is unavailable to participate in a live proceeding, a signed, written statement may be submitted for the witness. If a signed, written statement is submitted for a witness, it must be provided to the EEO Coordinator no later than seven (7) days prior to the hearing.

The EEO Coordinator will promptly provide each party with the other party's list of identified witnesses, evidence, and/or signed, written statement(s).

Step 5. Grievance hearings are closed to the public. Both the grievant and the respondent are permitted have an advisor present. However, that advisor is not permitted to participate as a vocal advocate during the hearing. The investigators shall be present at the Grievance Committee Hearing.

At the hearing, each party will be permitted to give an opening statement. Each party will then be permitted to present evidence and/or witnesses. A party will be permitted to ask questions of the other party and/or the other party's witnesses, but the questions must be first submitted to the Grievance Committee. The Grievance Committee will then ask the questions on the party's behalf. The Grievance Committee retains discretion to refrain from asking questions it believes are irrelevant or unnecessary and/or exclude presentation of any witnesses or evidence. For example, information about a party's prior sexual history with persons other than the other party will typically be excluded. Each party will also be permitted to make a closing statement.

The College will accommodate requests from either the grievant or the respondent to not be present in the same room during the grievance hearing.

Official minutes of the hearing will be kept. The official minutes will be made available to either party.

Step 6: Within fourteen (14) days of the conclusion of the grievance hearing, the Grievance Committee will issue a written decision. The Grievance Committee will use a preponderance of the evidence (i.e., "more likely than not") standard to determine whether or not an alleged violation occurred. The Grievance Committee will also issue a recommendation on the discipline, if applicable. If the Grievance Committee is not unanimous in its findings or recommended discipline, its written decision shall record that fact.

The EEO Coordinator will promptly provide written notice to both the grievant and the respondent of the Grievance Committee's decision. The EEO Coordinator will also notify the parties of their right to appeal the decision and, if applicable, the sanctions or disciplinary measures to be imposed.

Step 7: After the EEO Coordinator notifies the parties of the Grievance Committee's decision, either party will have ten (10) days to submit a written appeal of the Grievance Committee's decision to the Provost. The possible bases for appeal include: (1) a procedural error that has significantly impacted the outcome of the hearing; (2) the introduction of previously unavailable relevant evidence which would have significantly impacted the outcome of the hearing; or (3) where a sanction is substantially disproportionate to the Grievance Committee's findings

If either party chooses to appeal, the other party will have ten (10) days to submit a written opposition to the appeal to the Provost. Upon receipt of the written opposition or the passing of the timeframe allowed to submit a written opposition, the Provost will promptly issue a written decision affirming the Grievance Committee's decision; reversing the Grievance Committee's decision; or remanding the grievance back to the Grievance Committee to consider additional evidence or remedy a procedural error. If the Provost remands the Grievance Committee's decision, the Provost may order that a

new Grievance Committee hear the matter. The Provost's decision will be issued in writing to both parties.

A decision will be considered final if no party submits a timely appeal of a Grievance Committee's decision or if the Provost affirms or reverses the Grievance Committee's decision. Any sanctions or discipline imposed will be stayed until the resolution of the appeal process.

All of the time frames above may be extended by a showing of good cause. All parties involved will be promptly notified if a time extension has been granted.

A student is not required to file a grievance with the College and, if applicable, may file a complaint with federal or state agencies such as:

- The U.S. Department of Education's Office for Civil Rights ("OCR")
 - Chicago Office (for Cincinnati campus): (312) 886-8434
 - San Francisco Office (for Los Angeles campus): (415) 556-4275
 - New York City Office (for NY campus): (212) 637-6466
- The Ohio Civil Rights Commission ("OCRC"), Cincinnati Regional Office: (513) 852-3344
- The State of California Department of Fair Employment and Housing ("DFEH"): (800) 884-1684 (toll free for complaints and information)
- The New York City Equal Employment Practices Commission: (212) 240-7902
- The New York State Human Rights Commission on Discrimination Complaints: (212) 306-7450

In the event that the College finds that any student has been a victim of discrimination or harassment, the College will take immediate measures to remediate and/or correct the conduct or circumstances. Any individual who is subjected to such conduct will be notified of the College's measures to remediate and/or correct such conduct.

The College prohibits retaliation against anyone who files a grievance under this section or otherwise complains that he or she has been a victim of discrimination or harassment. This prohibition of retaliation similarly extends to anyone who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing relating to a grievance or complaint under this section.

All documents, witness statements, evidence, and written submissions associated with a grievance under this section will be confidentially maintained, to the extent permitted by law,

in the student's disciplinary record. Any request by a student to review the documents, witness statements, evidence, and written submissions associated with his or her grievance under this policy should be submitted to the EEO Coordinator.

The notifications required by this policy will not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. § 1232g), commonly known as the Family Education Rights and Privacy Act of 1974 (FERPA).