

LUTHER COLLEGE

POLICIES AND PROCEDURES

Department: Office for Financial Services
Subject: Nondiscrimination Statement
Date Issued: 5/7/2010
Date Revised: 7/20/2010
Approved By: Board of Regents

I. Policy

Luther College is committed to creating and maintaining an atmosphere where all members of the community – students, faculty, staff and visitors – are treated with respect and dignity.

It is the policy of Luther College to provide equal educational opportunities and equal access to facilities for all qualified persons. The College does not discriminate in employment, educational programs, and activities on the basis of age, color, creed, disability, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status, or any other basis protected by federal or state law. This commitment includes the provision of a campus environment that is free from discrimination and harassment. The College will not tolerate any form of illegal discrimination or harassment and will not condone any actions or words that constitute such.

This policy complies with the Department of Education Administration Regulations for Direct Grant Programs section 75.500 and State Administered Programs section 76.500 on nondiscrimination.

II. Scope

This policy applies to all board members, faculty, staff (paid or volunteer), current and prospective students, and all other groups and organizations affiliated with Luther College.

III. Terms and Definitions

- **Discrimination** – Discrimination occurs when an individual is treated adversely because of membership in one of the legally protected groups under federal or state law. Discriminatory practices based on bias against a person's age, color, creed, disability (actual or perceived), gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status are prohibited.
- **Harassment** – Harassment occurs when unwelcome conduct based on an individual's membership in a protected group unreasonably interferes with the individual's work or educational environment. It includes verbal, visual or physical conduct where such conduct may have the purpose or effect of unreasonably interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive working or educational environment.
 - Prohibited conduct may include, among other things, telling racist or sexist jokes or making offensive or derogatory remarks about another person's race, ancestry, national origin, age, sexual orientation, disability, or membership in another protected group. Prohibited conduct may occur through:

- Direct oral expression and/or physical gestures or actions;
 - Notes, letters and other forms of written communication distributed via U.S. mail, campus mail or otherwise made visible to the public;
 - Phone calls, phone messages or other forms of electronic verbal communication;
 - E-mail, text messages, instant messaging, social networks or other means of electronic communication.
- Sexual harassment – Sexual harassment occurs when an individual is subjected to unwelcome sexual advances, unwelcome requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature when:
 - Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing;
 - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting the individual; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working, academic or social environment.
 - Sexually harassing conduct may include, among other things, use of suggestive sexual comments, jokes, or innuendo; persistent, unwanted flirtation or invitations for dates or other social activities; unwelcome sexual advances or passes; sexual remarks or questions about a person's body, clothing or sexual activities; patting, pinching or other offensive touching; or displays of sexually suggestive pictures or objects.

IV. Reporting Procedures for Complaints of Discriminatory and Harassing Conduct

- Individuals who become aware of or think they have been subject to discriminatory or harassing conduct are strongly encouraged to contact one of the Harassing Conduct Officers. These officers are appointed annually by the Luther College President. Retaliation against individuals who file a complaint or who participate in the investigation or adjudication of a complaint is strictly prohibited.
- If the individual decides to file a complaint with one of the Harassing Conduct Officers, a written summary will be completed by the Complainant or the officer in conjunction with the Complainant. The summary will include the following information: name, address, and phone number of the Complainant; name of the Respondent; nature of the complaint; date(s) and location(s) of the alleged incident(s); evidence on which the complaint is based.
- If the Respondent is a faculty member, the faculty handbook will outline the process and procedures for managing the complaint: www.luther.edu/academics/dean/handbook/.
- If the Respondent is a staff member, the staff handbook will outline the processes and procedures for managing the complaint: www.luther.edu/hr/staffhandbook/.
- If the Respondent is a student, the Code of Conduct and the Discriminatory and Harassing Conduct Policies and Procedures will outline the process for managing the complaint: www.luther.edu/student-life/dean/student-handbook/.

V. Guidelines for Using the Nondiscrimination Statement

As key publications are revised across campus, we ask offices and departments to use the College's Nondiscrimination Statement. The inclusion of the Nondiscrimination Statement is required by federal regulation and is designed to highlight Luther College's commitment to creating and

maintaining an atmosphere where all members of the community – students, faculty, staff and visitors – are treated with respect and dignity.

The Nondiscrimination Statement, as it should appear in print, appears below:

“It is the policy of Luther College to provide equal educational opportunities and equal access to facilities for all qualified persons. The College does not discriminate in employment, educational programs, and activities on the basis of age, color, creed, disability, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status, or any other basis protected by federal or state law.”