

# UNIVERSITY POLICY



---

## Non-Discrimination Policy (Not Including Gender-Based Discrimination)

**Responsible Office:** Butler University Human Resources  
**Effective Date:** 07/20/2017  
**Revision Date:** 04/09/2025

### Policy Statement

Butler University makes equal opportunity available to all persons without regard to race, color, religion, national origin, age, disability, citizenship status, military service status, genetic information, sex or any other legally protected category.

The University's policy prohibiting discrimination based on sex, including sexual orientation and gender identity or expression, and the process for reporting and addressing complaints of sex/gender discrimination are found in the University's [Sexual Misconduct Policy](#).

It is the policy and practice of Butler University to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Information on reasonable accommodations can be found [HERE](#) for employees. Students may reference the Student Disability Services Office information [HERE](#).

### Scope

This Policy applies to all conduct, whether verbal, physical, electronic, or otherwise, that constitutes discrimination, harassment, or retaliation based on a person's race, color, religion, national origin, age, disability, citizenship status, military service status, genetic information, or any other legally protected characteristic that is not covered under the University's Sexual Misconduct Policy ("Protected Characteristic").

This policy applies to all members of the University community, including, but not limited to:

- Students (undergraduate, graduate, and professional)
- Faculty (tenured, tenure-track, adjunct, and visiting)
- Staff (full-time, part-time, temporary, and contract employees)
- Volunteers
- Visitors
- Contractors and vendors
- Participants in University-sponsored programs and activities and
- Alumni, when participating in university events or programs.

This policy is applicable to all University-related activities and environments, including:

- On-campus locations (classrooms, laboratories, offices, residence halls, athletic facilities, etc.)
- Off-campus locations during University-sponsored events, programs, or activities (conferences, field trips, study abroad programs, etc.)
- Online environments (email, social media, online learning platforms, etc.) when used for University-related purposes or when conduct affects the University environment.

- Any location where University business is being conducted, or where the conduct has a direct impact on the university community, or a person's participation in university programs.
- Any location where conduct occurs that negatively affects the educational or working environment of the University.

## Policy

The following conduct is prohibited under this policy:

- **Discrimination:** Denying equal access or opportunity or taking an adverse action against an individual based on the individual's Protected Characteristic. This includes, but is not limited to admissions, denial of access to programs or services, denial of employment or educational opportunities, or disparate treatment in academic evaluations, employment decisions, disciplinary actions, or the provision of services based on a Protected Characteristic.
- **Harassment:** Unwelcome conduct based on a Protected Characteristic that is sufficiently severe, pervasive, and objectively offensive to create an environment that a reasonable person would consider intimidating, hostile, or abusive. This includes, but is not limited to, verbal, written, or physical conduct that demeans, insults, or intimidates an individual.
- **Retaliation:** Adverse action taken against an individual for reporting discrimination or harassment, participating in an investigation, or opposing discriminatory practices. Retaliation is strictly prohibited.

No student or applicant for admission shall be excluded from participation in, denied benefits from, or subjected to discrimination in any educational program, opportunity, or activity based on race, color, religion, national origin, age, disability, citizenship status, or military status.

No employee or applicant for employment will be subjected to discrimination with regard to hiring, firing, advancement, compensation, or other term or condition of employment because of race, color, religion, national origin, age, disability, citizenship status, military status, or genetic information.

## Addressing Incidents of Bias

A bias incident is an act or behavior motivated by the offender's bias against facets of another's identity. These facets may include, but are not limited to race, color, religion, national origin, age, disability, citizenship status, military status, sex, or genetic information. Bias occurs whether the act is intentional or unintentional. Bias may be directed toward an individual or group. Bias may contribute to harassment, discrimination, and creating an unsafe or unwelcoming environment. All members of the Butler community are encouraged to report witnessed or experienced incidents of bias, discrimination, and harassment. If you have reason to believe you or someone else is being subjected to behaviors involving bias, discrimination, or harassment, please report the matter to ONE of the following:

- **Office for Institutional Equity**
  - Phone: 317-940-6509
  - Email: [bias@butler.edu](mailto:bias@butler.edu)
  - Online (anonymous option available): [Bias Report Portal](#)
  - On campus location: Jordan hall 072
- **Butler University Police Department (BUPD)**
  - Phone: 317-940-9999 (emergencies) or 317-940-9396 (non-emergency)
  - On campus location: 525 W. Hampton Drive

- Bias incidents or hate crimes may be reported to the Butler University Police Department by dialing 9999 or Indianapolis Metropolitan Police Department by calling 911.
- You may also choose this option if you would like to pursue filing a criminal complaint related to the incident.

- **Human Resources**

Reports shared through any Human Resource staff member will be referred to the Office for Institutional Equity and or reported through the Bias incident portal.

## **Reporting Procedures**

No adverse action will be taken against an individual for making a good faith report of a potential violation of this Policy. The Non-Discrimination Policy incident reporting procedure (not including sex/gender-based discrimination governed under the Sexual Misconduct Policy), includes the review and resolution of incidents of bias.

## **Administrative Guidelines<sup>1</sup>**

### **I. Initial Review**

The Office for Institutional Equity will receive and review all reports of actual or suspected bias, discrimination, and harassment. Once the office receives the report, communication will be made within three (3) business days to the reporting party. The Director for Institutional Equity or their designee will conduct an initial review and assessment of the complaint. All parties will be notified of the initial determination regarding the appropriate course and of other resources that may be available. Considerations for resolution include but are not limited to:

**Dismissal:** Following an initial review and evaluation of the complaint, the Office for Institutional Equity may conclude that no further investigation or action is warranted, either because the allegations do not raise a potential violation, or the institution has insufficient information to proceed. If the Office for Institutional Equity determines that the complaint, even if substantiated, would not be a violation of this policy, the Director for Institutional Equity or designee along with a designee from the appropriate sanctioning department (Human Resources, Provost, or Office of Dean of Students) will either refer it to other applicable University disciplinary procedures or submit the dismissal to the Vice President & Chief Human Resources Officer or Vice President for DEI & Student Affairs/Chief Diversity Officer.

**Informal Resolution:** Following an initial review and evaluation of the complaint, if bias, discrimination or harassment is believed to have occurred, the Office for Institutional Equity or designee will offer informal discussions, education/training, mediation, remedial action and/or resolution options to all parties involved.

---

<sup>1</sup> Butler will provide, upon request, reasonable accommodations for qualified individuals with disabilities so long as an accommodation does not cause an undue hardship. Qualified individuals with a disability who request an accommodation for the purposes of participating in an investigation or other resolution as described in this policy, should submit the request to the appropriate office; (a) by faculty and staff to Human Resources, (b) by students to Student Disability Services.

Butler will provide, upon request, reasonable accommodations to students and employees whose sincerely held religious beliefs or practices create a conflict with University policies or procedures so long as an accommodation does not cause an undue hardship. Requests for religious accommodation based upon sincerely held religious beliefs should be directed (a) by faculty and staff, to Vice President and Chief Human Resources Officer and (b) by students, to Vice President DEI & Student Affairs/Chief Diversity Officer.

**Investigation and Formal Resolution:** When the reported allegations are a potential violation of this policy, the Director for Institutional Equity will assign an investigator. The Office for Institutional Equity is not a sanctioning office but will submit the investigative report to the appropriate sanctioning division and department, i.e. the Vice President & Chief Human Resources Officer or the Vice President for DEI & Student Affairs/Chief Diversity Officer.

Bias, discrimination and harassment alleged to have occurred in a teaching (including advising) or classroom setting may present different issues than those arising from other environments. This is because there are times when the subject matter or the words being used are necessary and appropriate in the scope of teaching the course. The University supports the academic freedom of its faculty when there is a valid, pedagogical purpose for the subject matter or words used. During an investigation, the Investigator may defer to that academic freedom when the alleged discrimination can be explained by a valid pedagogical reason for the conduct.

If the Investigator determines the conduct is unwelcome and sufficiently severe, pervasive, or objectively offensive to create an environment that a reasonable person would consider intimidating, hostile, or abusive, the Investigator's report, authored to the Vice President & Chief Human Resources Officer or the Vice President for DEI & Student Affairs/Chief Diversity Officer, will address the facts supporting the conclusion. The Vice President & Chief Human Resources Officer or the Vice President for DEI & Student Affairs/Chief Diversity Officer, in consultation with the Division leadership, or Dean of the College/Library, will determine appropriate sanctions, if/when applicable.

Any facts raised that are concerning from a teaching, scholarship or research standpoint will be submitted to the Provost's office.

## **II. Interim Measures and Immediate Response**

When the University receives a report of alleged discrimination, harassment or bias, Office for Institutional Equity will assess the allegations to determine the immediate response and whether interim or supportive measures pending resolution of the matter are appropriate. Initial determinations concerning interim measures, and departmental referrals will be made by the Office for Institutional Equity. Departmental referrals will occur within three (3) business days of receipt.

The Office for Institutional Equity will work with the appropriate departments to initiate interim actions and supportive measures. As in other administrative processes, interim actions—to wit, supportive measures—are available to the complainant, respondent, and any others adversely impacted by the complaint resolution process, if requested and reasonably available.

The University determines which measures are appropriate on a case-by-case basis. Such measures are based on the particular facts and circumstances of each case. To request interim action or supportive measures, individuals should contact the Office for Institutional Equity Director.

## **III. Investigation**

The University will strive to complete the complaint resolution process within 60 days. However, this time frame may be extended depending on the circumstances of each case. The University Civil Rights Investigator or a designee from the appropriate Division will investigate the allegations. The University reserves the discretion to appoint any investigator, including an outside investigator, on an as needed basis. The investigator(s) will conduct the investigation in a manner appropriate to the

circumstances of the case; investigations may include interviews with the complainant, the respondent, and appropriate witnesses, and gathering any relevant and available evidence. Character evidence is generally irrelevant and will generally not be considered in an investigation. The investigator(s) has discretion to assess the relevancy of a proposed witnesses and/or evidence and determine the scope of the investigation.

The Investigator will prepare a report summarizing the investigation and submit the report to the Vice President & Chief Human Resources Officer or the Vice President for DEI & Student Affairs/Chief Diversity Officer. If anyone with decision making responsibility in the case is implicated in the reported violation, one of the two Appeal Officers not involved in the case will assume those responsibilities.

#### **IV. Determination and Sanction Report**

The Vice President & Chief Human Resources Officer, the Vice President for DEI & Student Affairs/Chief Diversity Officer, or their designee will review the investigation report and may request the Investigator to provide additional information, documentation, or to conduct additional investigation. The Vice President or designee may accept, modify, or reject the Investigator's finding on each reported violation.

As part of assigning sanctions/remedies, the assigned Vice President or designee may request information from the University regarding any previous violations of this policy by the respondent and consider such other policy violations in assigning sanctions. The Vice President or designee will determine the appropriate sanction(s) for the substantiated policy violation(s)

- In collaboration with Student Affairs and Office of the Dean of Students if the accused is a student;
- In collaboration with the Provost or Dean of the College or Libraries if the accused is a faculty member.
- In collaboration with the Office for Human Resources a if the accused is a staff member.

The Vice President & Chief Human Resources Officer or the Vice President for DEI & Student Affairs/Chief Diversity Officer or designee will advise the accused of the outcome of the investigation and any sanction(s) imposed and will advise the person who made the initial report that the matter has been investigated, and appropriate action taken.

If an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, or staff/faculty committee) has committed or promoted behavior that violates this policy, the organization and its members may be sanctioned. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department.

#### **V. Appeal(s)**

A party wishing to make an appeal must submit a written request for appeal to the appropriate Appeals Officer within five (5) calendar days of being notified of the outcome.

The grounds for appeal are limited to (1) procedural error that could have materially affected the outcome, (2) new evidence unavailable during the investigation that could have materially affected the outcome, or (3) the sanctions imposed are inappropriate for the violation. A summary of the new evidence, its potential impact and the desired outcome must be included in the request for appeal.

A student should submit the appeal to the Vice President for DEI & Student Affairs/Chief Diversity

Officer. A faculty member should submit the appeal to Executive Vice President and Provost. A staff member (employees other than faculty) should submit the appeal to the Vice President & Chief Human Resource Officer's designee.

The Appeal Officer will convene a panel to include the Title IX Coordinator, the Dean of Students, the 504 Coordinator or Director of Student Disability Services, and a Human Resources representative to review the appeal submission, the investigation report, and the determination, and may accept, modify, or overturn that determination relating to violation and/or sanction.

The Appeal Decision is considered final. In cases where the Appeals Officer remands the finding for further investigation, the Investigator will complete said investigation within seven (7) business days. The Appeals Officer will once again evaluate the matter and issue a new Determination & Sanction Report.

#### **VI. Notification of Findings**

The University will communicate the final decision to the parties with appropriate notice. The respondent will be notified in writing of the decision and sanctions. The complainant will be notified in writing of the decision and sanctions that involve the complainant (such as no contact orders, residential restrictions or removal).

This Policy supersedes all other student and employee conduct policies and procedures. All decisions made under this policy are final and are not subject to additional review or governance under any other policy or procedure.

**Policy Collaborators:** Office for Institutional Equity, Student Affairs, Human Resources

**Contact Information:** [bias@butler.edu](mailto:bias@butler.edu)

**Appendices:** None

**History/Revisions:** 08/28/2024