

**Mitchell Hamline School of Law
Human Resource Policies**

Policy:	Non-Discrimination and Non-Harassment
Policy Number:	K.2
Scope:	All Faculty, Staff, and Students
Effective Date:	October 2018
Approval:	Human Resources

Policy

Mitchell Hamline School of Law (the "School") is committed to providing a working and learning environment that maximizes the potential of each student, faculty member and staff member. Discrimination or harassment of any sort interferes with that environment. Therefore, discrimination or harassment on the basis of actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status or any other protected class defined by law ("discrimination or harassment") is prohibited and will not be tolerated. **Retaliation against a person who reports or complains about discrimination or harassment, or who participates in or supports the investigation of a discrimination or harassment complaint, is also prohibited and will not be tolerated.**

Any member of the Mitchell Hamline community found to have violated this policy is subject to disciplinary or corrective action, up to and including termination or expulsion.

Additional resources regarding non-discrimination and harassment include the School's [Sexual Misconduct Policy for Students](#) and the School's Sexual Misconduct Policy for Employees and Third Parties, located at [Handbooks and Policies on The Summit](#).

Definitions

Discrimination occurs when an individual is treated adversely or differently because of that person's actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status or any other protected class.

Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, creed, religion, sex, age, national origin, disability, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or any other protected class status defined by applicable law and that:

- 1) Has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment; or
- 2) Has the purpose or effect of unreasonably interfering with an individual's work or educational performance; or

- 3) Otherwise adversely affects an individual's employment or educational opportunities.

Some examples of conduct that may constitute discrimination or harassment include the following:

- 1) Failure or refusal to hire, train or promote because of an individual's protected class status; or
- 2) Limiting salary increases because of protected class status; or
- 3) Disciplining or terminating an individual because of protected class status; or
- 4) Treating an individual adversely in any other respect because of protected class status; or
- 5) Epithets, slurs, threatening or intimidating acts, including written or graphic material directed to an individual because of protected class status; or
- 6) Written, verbal or physical acts directed to an individual because of protected class status that purport to be jokes or pranks.

Reporting Procedure

If a student, faculty member or staff member believes that he or she has been discriminated or harassed by another student, faculty member, staff member or any other person whom the student, faculty member or staff member encounters in the course of employment or education, or if a student, faculty member or staff member observes discrimination or harassment, the individual should immediately report the conduct as follows:

- 1) **Students:** To the Dean of Students (Lynn LeMoine 651-695-7668), Title IX Coordinator (Christine Szaj, 65-290-6362), Associate Dean(s), President and Dean (Mark Gordon, 651-290-6310). Anyone who receives a report or complaint of discrimination or harassment regarding a student should immediately report it to the Associate Dean, Academic Affairs.
- 2) **Faculty and Staff:** To the Director of Human Resources (Andrea Bien, 651-290-6322), Title IX Coordinator (Christine Szaj, 65-290-6362), any member of the school's leadership, or President and Dean. Anyone who receives a report or complaint of discrimination or harassment regarding a faculty or staff member should immediately report it to the Director, Human Resources.

Complaints of discrimination or harassment involving the President and Dean should immediately be reported to an Officer of the Board of Trustees.

Students or employees with questions or who wish to file a complaint concerning sexual misconduct, sexual harassment, sexual intimidation, sexual exploitation, or sexual violence based on any of the above protected classes, may do so using the [online reporting form](#) or may contact the School's Title IX Coordinator, Christine Szaj, at christine.szaj@mitchellhamline.edu, (651-290-6362). Additional resources for complaints regarding sexual misconduct include the School's [Sexual Misconduct Policy for Students](#), and the School's Sexual Misconduct Policy for Employees and Third Parties, located at [Handbooks and Policies on The Summit](#).

If a complaint is made to anyone else, the complainant risks the possibility that it will not come to the attention of the appropriate management and, therefore, may not be acted upon.

If the discrimination or harassment reoccurs, it should immediately be reported to any of the individuals listed above. The School does not tolerate any retaliation or intimidation directed towards anyone who makes a complaint or report of discrimination or harassment or who participates in the

investigation of a complaint. The Reporting Procedure described above should also be used if an employee believes he or she has been subjected to prohibited retaliation or intimidation.

Investigation of Complaint

Every complaint or report of discrimination or harassment made to any individual listed above will be investigated. A complaint will be investigated by (a) the Dean or the Dean's designee; or (b) an individual who is not an employee of the School, who may be retained by the School for the purpose of investigating complaints of harassment, and who has experience and expertise in conducting investigations ("Consultant"); or (c) a combination of the above. If the investigation is commenced by the Dean or the Dean's designee, the investigation may be referred to the Consultant at any point in time. Reasons for referral could include, but are not limited to, the scope or complexity of the investigation or a perceived or actual conflict of interest.

The timing and specific nature of the investigation of any complaint will be determined by the investigator. Although investigations will be conducted with sensitivity to confidential issues, investigative information will be communicated as appropriate to those with a need to know. Because the circumstances of every complaint are different, discretion and flexibility will be utilized in conducting an appropriate investigation of each complaint.

If the investigation is commenced or completed by the Consultant, a written fact-finding report will be prepared upon completion of the investigation. This report may summarize information as appropriate. The Dean or the Dean's designee will review the report, may conduct additional fact-finding, and will determine whether it appears this policy has been violated.

Disciplinary or Corrective Action

If it appears that a violation of this policy may have occurred, timely and appropriate disciplinary or corrective action will be taken as follows:

1. A faculty or staff member found to have committed a violation of this policy may be subject to a broad range of consequences, up to and including termination of employment. If necessary, a matter will be referred to the appropriate disciplinary authority as required by School policy and by existing agreements with the faculty to determine what corrective action is appropriate.¹
2. A student found to have committed a violation of this policy may be subject to a broad range of consequences up to and including expulsion, suspension, or other appropriate action.

If it appears that the safety or security of the School or of an individual member of the community may be jeopardized, the Dean or the Dean's designee may take immediate action to prevent the occurrence or reoccurrence of discrimination or harassment.

No Reprisal

There will be no retaliation against any good faith complainant or reporter of discrimination under this policy, nor against any person who participates in an investigation. The School will investigate complaints and take appropriate action against any employee who retaliates against any person who makes a good faith report; who testifies, assists, or participates in an investigation; or who testifies, assists or participates in a process relating to the report. Retaliation includes, but is not limited to, any

¹ The discipline of tenured faculty members shall be consistent with the School's Tenure Code.

form of intimidation, reprisal, or harassment. Appropriate action may include disciplinary or corrective action, up to and including termination or expulsion.

In addition, neither the School, nor any officer, employee, or agent of the school may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individuals for exercising their rights to avail themselves of the School's grievance procedures.

Questions

Please direct any questions to the appropriate office:

Staff – Human Resources, Title IX Coordinator or any member of the leadership team;

Faculty – President and Dean, Associate Dean, Academic Affairs, or Human Resources;

Students – Dean of Students, Associate Dean, Academic Affairs, any Dean/Associate Dean, or President and Dean.

Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include, but are not limited to, contacting the following agencies:

Equal Employment Opportunity Commission
1-800-669-4000
info@eeoc.gov
<http://eeoc.gov/>

U.S. Department of Education Office for Civil Rights
1-800-421-3481
ocr@ed.gov
<http://www2.ed.gov/about/offices/list/ocr/index.html>