



# Non-discrimination Policy

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## A. Overview

Kardan University is an equal opportunity employer and educational institution. There shall be no discrimination against any employee, applicant for employment or any student on any basis prohibited by law, including race, color, national origin, religion, language, gender, transgender, age or disability; and any other characteristic protected under law, herein called. This non-discrimination policy applies to all educational policies and programs, admission, registration, research and to all terms and conditions of employment, which include (but are not limited to): recruitment, hiring, training, compensation, benefits, promotions, disciplinary actions and termination.

The Non-Discrimination Policy establishes uniform guidelines in order to promote a work and educational environment at Kardan University that is free of discrimination and harassment, and to affirm the University's commitment to equal opportunity and non-discrimination.

## B. Policy Scope

This policy governs the conduct of all Kardan University's students, faculty, staff, management, visitors, stakeholders, applicants for admission to or employment with the University that occurs on the University's campuses or in connection with University related programs.

## C. Recognizing Discrimination

### A. Employees

Discrimination in employment may take place in different aspects including hiring, compensation, training and development, promotion and others. If Review Committee determines, through fact-finding, that the employee or applicant's memberships has been subjected to discrimination or harassment, it is a clear violation of this policy and this may lead to strict disciplinary action in.

## B. Student and Third Party

If a student, visitor, applicant to employment believes they were treated unfairly in their education program or activity because of their real or implied membership as defined in this non-discrimination policy, Review Committee will conduct a fact-finding investigation to determine whether or not the action was the reason for the different treatment and if that treatment violated the non-discrimination policy leading to strict disciplinary measures.

## D. Reporting and Responsibilities

### A. Reporting

A person (Employees, visitors) who believes that he or she has been subjected to discrimination or harassment in violation of this policy should report the incident to Human Resources Office to redress an alleged violation and/or has the duty of reporting such allegations. Students are encouraged to report such incidents to the Dean of faculty. Incidents should be reported as soon as possible after the time of their occurrence. No person is required to report discrimination or harassment to the alleged offender.

### B. Reporting Responsibility

Every supervisor, administrator or any other employee who come to know about incidents of discrimination and harassment in violation of this policy, should report it immediately to the Human Resources department. Incidents related to students should be reported to the Dean of the Faculty.

### C. Responsibility to Cooperate

Faculty, staff, and students must cooperate with University investigations concerning allegations of discrimination or harassment. Refusal to cooperate with an investigation may result in disciplinary action.

## E. Procedure

### A. Informal Resolution Procedure

Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process and no finding is made.

A request for informal resolution should be made within seven calendar days of the date of the alleged incident to either the Human Resources department or Dean of faculty, who

will determine whether the nature of the problem is such that it can be resolved by agreement on an informal basis.

Methods for informal resolution may include, but are not limited to: coaching the person on how to directly address a situation which is causing a problem; mediating the dispute with the parties; aiding in the modification of a situation in which the offensive conduct occurred; assisting a department or division with the resolution of a real or perceived problem; or arranging a documented meeting with the alleged offender that involves a discussion of the requirements of the Nondiscrimination Policy.

The University will document any informal resolution. Such documentation will be retained by the Human Resources Office or Dean of the faculty as appropriate and will be kept confidential to the extent permitted by law.

## **B. Formal Complaint Resolution Procedure**

a. **Complaint.** A complaint alleging discrimination or harassment must be submitted to the Human Resources Office or the Office of the Dean of faculty. The complaint should contain the following information:

- Name and Identification Number of the Complainant(s);
- Contact information, including address, telephone, e-mail;
- Name of person(s) directly responsible for alleged violation(s);
- Date(s) and place(s) of alleged violation(s);
- Nature of alleged violation(s) as defined in this policy;
- Detailed description of the specific conduct that is the basis of alleged violation(s);
- Copies of documents pertaining to the alleged violation(s);
- Names of any witnesses to alleged violation(s) and witnesses' contact information;
- Action requested to resolve the situation;
- Complainant's signature and date of filing; and
- Any other relevant information.

While an investigation may begin on the basis of an oral complaint, the complainant is strongly encouraged to file a written complaint. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complaint to be and seek to obtain verification of the complaint from the complainant.

b. **Time Limit.** A signed complaint must be filed within seven calendar days of the occurrence of the alleged violation in order to ensure prompt and efficient handling and resolution. At the discretion of Human Resources department or the Office of the Dean of faculty, the seven-day filing period may be extended for good cause.

- c. **Acknowledgement.** Within five (5) calendar days after receipt of a signed complaint, Human Resources department or the Office of the Dean of faculty, as appropriate, will send the complainant a brief acknowledgment of the complaint, stating that the complaint will be evaluated, and advising the complainant(s) that he or she will be contacted within a given time. The acknowledgment letter will include a copy of this policy.
- d. **Complaint Evaluation.** A formal investigation will be initiated if a complaint is complete, within the scope of this policy and articulates sufficient specific facts, which, if determined to be true, would support a finding that this policy was violated. The University may not proceed with a complaint investigation under a variety of circumstances, for instance:
- a complaint fails to describe sufficient details of the conduct that is the basis of the complaint;
  - the conduct described in the complaint is not covered by this policy;
  - the complaint has been withdrawn; or
  - an appropriate resolution or remedy has already been achieved, or has been offered and rejected.

In the event that a Formal Complaint has been filed and if it is determined that the University will not proceed with a complaint investigation, Human Resources Office or the Office of the Dean of faculty, as appropriate, will send a notification letter explaining the reason(s) to the complainant. The notification letter will also include a statement informing the complainant that, within seven (7) calendar days of the notification, he or she may appeal the determination not to proceed with a complaint investigation to the Chief Operating Officer or Vice Chancellor Academics, as appropriate. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint was in error. The appropriate Office will respond within ten (10) calendar days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision to dismiss is overturned, the complaint is sent back to Human Resources or the Office of the Dean of faculty, as appropriate, for investigation in accordance with the procedures outlined below.

- e. **Notification of Respondent.** If it is determined that the University will proceed with a complaint investigation, Human Resources Office or the Office of the Dean of faculty will give the respondent written notification of the complaint investigation. The notification letter will include a statement of the allegations to be investigated. The notification letter will provide the respondent an opportunity to submit a written response to the allegations within seven (7) calendar days, unless unusual circumstances warrant additional time. The notification letter will include a statement

advising the respondent that retaliation against the complainant is prohibited and will subject the respondent to appropriate disciplinary action.

- f. **Investigation Responsibility.** The Office of the Dean of faculty is responsible for conducting formal investigations of complaints against students alleging discrimination and harassment in violation of this policy. Human Resources department is responsible for conducting formal investigations of complaints against employee and non-students alleging discrimination and harassment in violation of this policy. In the event that a respondent is a student and an employee, Human Resources Office will make a determination whether the alleged discriminatory act(s) relates to the respondent's employment. Human Resources Office will only initiate an investigation and/or informal resolution. If a complaint is directed against an individual who would otherwise play a role in investigating and attempting to resolve the complaint, the function assigned to that person by these procedures will be delegated to another person.
- g. **Investigative Process and Findings.** The investigator will interview both the complainant and the respondent(s) and persons who are considered to have pertinent factual information related to the complaint. The investigator will also gather and examine documents relevant to the complaint. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual. Findings will be based on the totality of circumstances surrounding the conduct complained of, including but not limited to: the context of that conduct, its severity, frequency, and whether it was physically threatening, humiliating, or was simply offensive in nature.
- h. **Advisor.** During the complaint process, the complainant(s) and the respondent(s) may designate and thereafter be accompanied by an advisor of his or her choosing at meetings and interviews at which he or she is present; however, no advisor may examine witnesses or otherwise actively participate in a meeting or interview. An individual may only have one advisor present at a time.
- i. **Submission of Evidence.** During the complaint investigation process, the complainant(s) and the respondent(s) should provide Human Resources Office or the Office of the Dean of faculty, as appropriate, with all documents and the identity of witnesses with a summary of the information the witness can provide regarding the issues raised in the complaint.
- j. **Report of Findings and Recommendation - Complaints Against Non-Students and Student Employees**

- I. The investigator will provide a proposed statement of findings, copies of relevant documents and any physical evidence considered to the Review Committee within thirty (15) working days of receipt of the respondent's statement, unless unusual circumstances require more time. The appropriate person to act on complaints against faculty and students will be the Vice Chancellor Academics or or designee over for the area where the respondent is employed. The appropriate person to act on complaints against non-student employee, contractors and visitors will be the Chief Operating Officer. If a complaint is directed against a Vice Chancellor Academics or Chief Operating Officer, the Chancellor will the authority to make the final decision.
- II. The Human Resources Office will promptly notify the complainant and the respondent that the investigation has been completed and attach a copy of the proposed statement of findings. Student identifiable information, if any, which is confidential by law, will be redacted. Within ten (10) calendar days from the date of notification, the complainant and respondent may each submit, for consideration by Review Committee, such comments and corrections as they may have.
- III. Within fifteen (15) working days of the notification to the complainant and respondent that the investigation has been completed, the Review Committee and the investigator should discuss the findings, and review the record, along with any comments and proposed corrections submitted by the complainant and respondent, if necessary. Further, the Review Committee will take one of the following actions: a) request further investigation into the complaint; b) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or c) find that this policy was violated.
- IV. If the Review Committee determines that this policy was violated, the committee, following approval of Chief Operating Officer's or designee's shall determine a disciplinary action that is appropriate for the severity of the conduct, and take whatever other action is necessary to end the discrimination or harassment. Disciplinary actions can include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension without pay, and termination.
- V. The Human Resources Office or the Office of the Dean of faculty, as appropriate will inform the complainant and respondent, and the appropriate department head in writing of their decision, and will attach a copy of the final statement of findings. Original of statement of findings, and relevant documents will be kept at the Office of the Dean of faculty or in personal file at Human Resources department, as appropriate.

## **F. Miscellaneous**

### **A. Retaliation Prohibited**

A student, faculty, or staff member who retaliates in any way against an individual who has brought a complaint pursuant to this policy or participated in good faith in an investigation of such a complaint is subject to disciplinary action, up to and including dismissal from the University.

### **B. Filing of False Complaints**

Any person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action up to and including dismissal from the University.

### **C. Effect on Pending Personnel Actions**

The filing of a discrimination or retaliation complaint will not stop or delay any evaluation or disciplinary action related to the complainant who is not performing up to acceptable standards or who has violated University rules or policies.

### **D. Time Frames**

Time frames mentioned in these procedures may be extended for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint.

## **G. Compliance**

The Human Resources Manager under the supervision of Chief Operating Officer will ensure compliance to the policy on matters related to employees. Deans of the faculties will ensure compliance to the policies on all matters related to student affairs including programs, student admission and others.

## **H. Review Committee**

A Review Committee may be established as the need may arise. The Committee's function is to review any complaints of discrimination submitted in writing to the Human Resources Manager or Deans of the Faculties and make a decision on the bases of the evidence and investigations. The Review Committee is comprised of three members and is appointed by the Chief Operating Officer or Vice Chancellor Academics of the University. They include relevant faculty's dean as the Chair, Human Resources Manager as the secretary and a senior administrative staff or faculty member.

## **I. Documentation and Confidentiality**

The University will maintain documents related to complaints under this policy as required by law. The Office of the Dean of faculty will be responsible for records related to complaints against students. The Human Resources department will be responsible for records related to complaints against non-students. The confidentiality of a complaint under this policy and all documents, correspondence, interviews and discussions relating to the investigation of the information contained in a complaint will be maintained on a need to know basis to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information contained in a complaint or otherwise relating to the investigation of a complaint under this policy is subject to disciplinary action.

**For Assistance:** Questions regarding this policy should be directed to the Human Resources Office or the Office of the Dean of faculty.

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