

HOWARD UNIVERSITY

HOWARD UNIVERSITY POLICY AND PROCEDURE ON EQUAL OPPORTUNITY IN EMPLOYMENT AND EDUCATION PROGRAMS AND ACTIVITIES

COVERAGE

This Policy Statement is applicable to the following:

For Employees:

- Prohibited discrimination under Title VII of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Code of The District of Columbia, including the following: discrimination based on handicapped status or discrimination based on race, color, religion, gender, age, national origin, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, or political affiliation.

For Students:

- Prohibited discrimination under Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Code of the District of Columbia, including the following: discrimination based on handicapped status or disability and discrimination based on race, color, religion, national origin, age, marital status, personal appearance, sexual orientation, family responsibilities, political affiliation, or source of income.

APPROVED BY THE BOARD OF TRUSTEES

JUNE 5, 1999

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HOWARD UNIVERSITY
POLICY AND PROCEDURE ON EQUAL OPPORTUNITY IN EMPLOYMENT AND
EDUCATION PROGRAMS AND ACTIVITIES

POLICY STATEMENT

It is the policy of Howard University (the "University") to provide equal opportunity in employment and in its education programs and activities. In furtherance of this Policy, the University strives to maintain a community that offers an environment for work and study free from all forms of illegal intrusion, intimidation, or exploitation. Therefore, the University will not tolerate illegal discrimination against any person in employment matters, or in the provision of its varied education programs or activities, based on race, color, religion, national origin, sex¹, age, marital status, personal appearance, sexual orientation, family responsibilities, disability, matriculation, political affiliation, or any other classification prohibited by Federal or District of Columbia law, or the law of any other jurisdiction where the University transacts its business.

The failure to carry out the responsibilities established by this Policy would give rise to disciplinary action up to and including separation from the University.

While it is the responsibility of the University to disseminate this Policy, it is the responsibility of each member of the University Community² to read the Policy and to become familiar with its provisions. Moreover, failure to follow the procedures set forth in this Policy may inhibit or prevent the University from properly investigating alleged discrimination, or from taking appropriate remedial action. Therefore, if an alleged victim fails to follow such procedures he or she may be left without a remedy under this Policy.

The University considers all allegations of impermissible discrimination to be extremely serious matters. Every complaint of

¹Sexual harassment (i.e. "hostile environment" and "quid pro quo" discrimination) in employment is fully addressed in the *Howard University Policy Against Sexual Harassment and Gender-Based Discrimination in Education Programs and Activities* and may be obtained directly from the University's office of Human Resource Management or from the Office of Special Student Services. This *Policy and Procedure on Equal Opportunity in Employment and Education Programs and Activities* is applicable, however, to all other employment situations when discrimination based on gender is alleged. Sexual harassment and other forms of gender-based discrimination against students are fully addressed in the *Howard University Policy Against Sexual Harassment and Gender-Based Discrimination in Education Programs and Activities*.

²Members of the "University Community" include the Board of Trustees, students, Faculty, and administrative personnel.

such discrimination submitted to the University in accordance with this Policy will be reviewed and investigated. The submission of false, spurious, or frivolous claims, however, will result in disciplinary action, up to and including termination or, in the case of a student, suspension or expulsion. In addition, in any legal action precipitated by a violation of this Policy in which the University and a member of the University Community are named as "co-defendants," the University may refuse to defend and/or indemnify any co-defendant who is responsible for that violation.³

The actions proscribed by this Policy are applicable to all individuals who are on University premises or on any other property where the University conducts its business. If such an individual commits an act in violation of this Policy, the University will take appropriate remedial measures under the circumstances to sanction the offender, to mitigate against the potential for recurrence, and to discipline any member of the University community who may have participated in such conduct, or may have failed to stop such conduct when he or she had the authority to do so.

THIS POLICY DOES NOT ADDRESS SEXUAL HARASSMENT IN EMPLOYMENT OR SEXUAL HARASSMENT AND GENDER BASED DISCRIMINATION IN THE CONDUCT OF EDUCATION PROGRAMS AND ACTIVITIES. SUCH MATTERS ARE ADDRESSED IN THE *HOWARD UNIVERSITY POLICY AGAINST SEXUAL HARASSMENT AND GENDER BASED DISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES*.

The University's Office of Human Resource Management is primarily responsible for implementing this Policy with respect to employment matters and for ensuring that all employees of the University are adequately trained or otherwise made aware of their responsibilities under this Policy.

The Office of the Provost is primarily responsible for implementing this Policy with respect to students.

DEFINITIONS AND GENERAL STANDARDS

General Prohibition Against Employment Discrimination:

"Impermissible discrimination" in the conduct of any employment activity shall mean the failure or refusal to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of

³The decision regarding defense and indemnification will be based on the General Counsel's determination as to whether the co-defendant acted in good faith and not in a manner adverse to the best interests of the University. In addition to its refusal to defend and indemnify, in appropriate cases the University may also file a legal action against a member of the University Community to reimburse the University for any loss it may incur as a result of that person's violation of this Policy or any applicable provision of law.

employment, because of such individual's race, color, religion, sex, age, national origin, marital status, personal appearance,⁴ sexual orientation, family responsibilities, disability, matriculation,⁵ or political affiliation; or to limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise affect status as an employee, because of such individual's race, color, religion, sex, age, national origin, marital status, personal appearance, sexual orientation, family responsibilities, disability, matriculation, or political affiliation.

General Prohibition Against Discrimination in Education Programs and Activities

"Impermissible discrimination" in the conduct of an education program or activity means any action or inaction based on race, color, religion, national origin, sex⁶, age, marital status, personal appearance, sexual orientation, family responsibilities, political affiliation, source of income, or disability, that would directly, or through contractual or other arrangements:

- (1) deny a student any service, financial aid, or other benefit provided under such a program or activity;
- (2) provide a student access to any service, financial aid, or other benefit that is different, or is provided in a different manner, from that provided to other students;
- (3) subject a student to segregation or separate treatment in any matter related to his or her receipt of any service, financial aid, or other benefit under the program or activity;

⁴The term "personal appearance" means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It does not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards generally applied to a class of employees; nor does it apply to bodily conditions or characteristics, style or manner of dress or personal grooming presenting a danger to the health, welfare or safety of any individual.

⁵The term "matriculation" means the condition of being enrolled in a college, or university; or in a business, nursing, professional, secretarial, ethical or vocational school; or in an adult education program.

⁶Sexual harassment and other forms of gender-based discrimination against students are fully addressed in the *Howard University Policy Against Sexual Harassment and Gender-based Discrimination in Education Programs and Activities*.

- (4) restrict a student in the enjoyment of any educational advantage or privilege enjoyed by other students receiving the same or like services, financial aid, or other benefits;
- (5) treat a student or applicant for admission to a college or school differently from others in determining whether he or she satisfies any admission, enrollment, eligibility, membership or other requirement or condition;
- (6) deny a student an opportunity to use facilities or participate in an education program or activity or otherwise afford him or her an opportunity to do so that is different from that afforded other students;
or
- (7) deny a student the opportunity to participate as a member of any academic committee or other University governance body.

DISCRIMINATION BASED ON DISABILITY

Discrimination Based on Disability in Employment

It is impermissible to discriminate on the basis of disability against a qualified individual with a disability in regard to:

- (1) recruitment, advertising, or job application procedures;
- (2) hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, or rehiring;
- (3) rates of pay or any other form of compensation or changes in compensation;
- (4) job assignments, job classifications, organizational structures, position descriptions, lines of progression, or seniority lists;
- (5) leaves of absence, sick leave, or any other leave;
- (6) fringe benefits available by virtue of employment, whether or not administered by the University;
- (7) selection or financial support for training, including: professional meetings, conferences and

other related activities, or selection for leaves of absence to pursue training;

- (8) activities sponsored by the University including social or recreational programs; or
- (9) any other term, condition, or privilege of employment.

The University will accommodate the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless the University determines that the required accommodation would impose an undue hardship on the operation of its business affairs or activities.

Similarly, the University will not deny employment opportunities to an otherwise qualified job applicant or employee with a disability based on the need of the University to make reasonable accommodation to such individual's physical or mental impairments.

A qualified individual with a disability is not required to accept an accommodation, aid, service, opportunity or benefit that such qualified individual chooses to decline. However, if such individual rejects a reasonable accommodation, aid, service, opportunity or benefit that is necessary to enable the individual to perform the essential functions of the position held (or desired, if an applicant for employment), and cannot, as a result of that rejection, perform the essential functions of the position, the individual will not be considered a qualified individual with a disability.

Nothing contained in this Policy is intended to permit or allow the University to hire or retain as an employee any individual whose employment would pose a direct threat or a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

Discrimination Based on Disability in the Conduct of Education Programs and Activities

No qualified student with a disability shall, on the basis of disability, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletic, recreation, transportation, other extra-curricular, or other education program or activity of the University.

The University shall not, on the basis of disability, exclude any qualified student with a disability from any course, course of study, or other part of any education program or activity. Education programs and activities will be conducted in the most integrated setting appropriate under the circumstances.

No member of the University Community may impose rules upon qualified students with disabilities, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of such students in the University's education programs or activities.

The Dean of Special Student Services shall take such steps as are necessary to ensure that no qualified student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under any education program or activity because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.⁷

It is the policy of the University to make such reasonable modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student. However, academic requirements that the University determines are essential to the program of instruction being pursued by such student, or to any directly related licensing requirement, will not be regarded as discriminatory within the meaning of this Policy. The reasonableness of modifications will be considered on a case-by-case basis.

Moreover, the University will not permit a student to participate in an education program or activity if the student's participation would pose a direct threat or a significant risk of substantial harm to the health or safety of the student or others that cannot be eliminated by a reasonable modification.

Section 504 Coordinator

Pursuant to section 504 of the Rehabilitation Act of 1973, as amended, and regulations adopted under that law, the University has appointed a "Coordinator" to facilitate its efforts to eliminate discrimination based on disability. The role of the Coordinator will be to receive and respond to inquiries involving those provisions of this Policy dealing with discrimination based disability. In addition, the Coordinator is also available to receive and to respond to inquiries and complaints concerning physical barriers or other types of impediments that unreasonably prevent or limit access to facilities by

⁷Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. The University will not, however, provide attendants, individually prescribed devices, readers for personal use or study, personal tutors, or other devices or services of a personal nature.

persons with a disability. The Section 504 Coordinator is Ms. Marlene Richardson, Operations Manager, and she may be contacted at 806-1011.

Definitions Related to Discrimination Based on Disability for Both Employment and Education Programs and Activities

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

"Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Substantially limits" means:

- (1) Unable to perform a major life activity that the average person in the general population can perform; or
- (2) Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

"Qualified individual with a disability" in employment means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

"Qualified student with a disability" means a student with a disability who meets the academic and technical standards for admission to, or participation in, the relevant education programs and activities with or without reasonable modifications.

When interpreting the provisions and terms recited above, the University will be guided by the regulatory provisions and interpretations promulgated by the United States Department of Labor under the Americans with Disabilities Act.

NATIONAL ORIGIN DISCRIMINATION

With respect to both employment practices and the conduct of educational programs and activities, "impermissible discrimination" based on national origin means the denial of equal opportunity because of an individual's, or his or her ancestor's, place of origin; or

because an individual has the physical, cultural or linguistic characteristics of a national origin group.

RIGHTS OF THE PARTIES

Rights of the Complaining Party

Any member of the University Community who believes that he or she has been subjected to employment discrimination, or discrimination in the conduct of education programs or activities, in violation of this Policy is urged to promptly pursue the matter and to file a complaint in accordance with the procedures described in this Policy. The complaining party will not be reprimanded, retaliated against, or discriminated against in any way for initiating an inquiry or complaint in good faith.

Declination to Defend or Indemnify

The University will not defend or indemnify any member of the University Community in any legal proceeding or other similar action alleging discrimination if the Office of General Counsel determines that such member violated this Policy and may have acted either (1) in bad faith; or (2) in a manner adverse to the best interest of the University.

Rights of the Alleged Subject

A person against whom a complaint is lodged shall be presumed innocent of that charge unless and until there is a final administrative finding of culpability or a stipulated admission to the charge by that person.

ACADEMIC FREEDOM

It is the policy of the University to afford Faculty with a fair opportunity to teach and conduct research and to provide services to the community in a setting that provides the academic freedom necessary to cultivate a wide expanse of ideas and teaching methods. It is not the intent of this Policy to inhibit the expression of such ideas or the use of such methods, provided that they are expressed or used in a manner that is consistent with the legitimate rights of our students.

**PROCEDURES FOR RESOLVING EMPLOYMENT
DISCRIMINATION COMPLAINTS⁸**

(a) Persons to Contact - Complaints of employment discrimination must be brought to the attention of the University EEO Officer or the appropriate EEO Designee for resolution in accordance with these procedures. Complaints about discrimination committed by agents or employees of vendors, independent contractors, or others who do business with the University, and by any other non-employee must be brought to the attention of the Vice President for Human Resource Management and the University EEO Officer.

The University EEO Officer is Martha Baron and her address is C. B. Powell Building, 525 Bryant Street, N.W., Suite 108, Washington, D.C. 20059. The telephone number of the EEO Officer is (202)806-5770. The Vice President for Human Resources is Artis Hampshire-Cowan and her address is 2400 6th Street, N.W., Suite 440, Washington, D.C. 20059. The telephone number of the Vice President is (202)806-2250.

If either of the individuals occupying the positions described in the preceding paragraph is the subject of a complaint, the complaint shall be filed with the General Counsel. With respect to such complaints, the General Counsel shall determine the most appropriate manner to investigate and resolve the complaint consistent with the remaining provisions of this Policy.

The EEO Designees and the respective units within their assigned areas of responsibility are as follows:

| EEO Designee | Office/Address | Telephone | Unit |
|-------------------|--|-----------|---|
| Sharon P. Banks | President 2400 6 th Street, N.W. Suite 321 | 806-2650 | -Office of the President -General Counsel -Internal Auditor -Secretary of Univ. -Dean of Chapel |
| Martha C. Baron | Vice President for Human Res. Human Resource Management 525 Bryant Street, N.W. First Floor | 806-5770 | -Human Resources Mgt. -Prof. Development Leadership Academy |
| Dr. Carmen Cannon | Provost Administration Bldg. 2400 Sixth St., N.W. Suite 405 | 806-2550 | -All Schools and Colleges -All Operating Units that report to Provost. |

⁸These procedures are not applicable to sexual harassment discrimination in employment. Procedures for the resolution of those types of complaints are contained in the *Howard University Policy Against Sexual Harassment and Gender-based Discrimination in Education Programs and Activities*.

| | | | |
|---------------------------|---|----------|--|
| Alfred Fisher | Provost Howard University Hospital 2041 Georgia Avenue, N.W. Tower II Bldg. – Suite 6000 | 865-7470 | Colleges of: -Medicine -Dentistry -Pharmacy, Nursing, and Allied Health Sciences. |
| Diane Wyatt-Hammond | Executive Vice President/COO 2400 6 th Street, N.W. Suite 317 (1 of 2) | 806-2570 | -Treasury Management. -Student Financial Services -Financial Management. -All other operating Units that report to Exe. Vice Pres. |
| Terry Anderson | Executive Vice President/COO 2400 6 th Street, N.W. Suite 317 | 806-2050 | -Cramton Auditorium -Physical Facilities Mgmt. -Parking -Security |
| Alfred Fisher | Vice President for Health Affairs Howard University Hospital 2041 Georgia Avenue, N.W. Tower II Bldg. – Suite 6000 | 865-7470 | -Student Health Services -Beltsville Animal Research -Health Sciences Lab -Radiation Safety |
| Renee Turner-Inman | Vice President for Health Affairs Howard University Hospital Human Resources – Rm. 2039 2041 Georgia Avenue, N.W. | 865-6650 | -Howard University Hospital -HUMED, Medical Arts, -Sickle Cell Center -Cancer Center |
| Dr. Nicole Scott-Connerly | Vice President for Student Affairs C. B. Powell Building Student Resource Center – Rm. G7 6 th and Bryant Streets, N.W. | 806-6870 | -Special Student Services -Counseling & Career Svs. -Residence Life -Student Life Activities -Intercollegiate Athletics |
| Adrienne Brooks | Vice Pres. for Univ. Advancement Howard University Center 2225 Georgia Avenue, N.W. | 238-2347 | -Annual Giving -Alumni Relations -Communications -All other Units that report to Vice Pres. for Advancement. |
| Lana Love | Vice Pres. for Government Affairs 2400 6 th Street, N.W. Suite 302 | 806-2530 | -WHUT-TV, WHUR-FM -Information Systems & Svs. -Government Affairs -HU Research & Planning -All other Units that report to the V. Pres. for Gov't Affairs. |

EEO Designees shall be appointed by the Vice President for Human Resources after consultation with the appropriate Vice President responsible for the supervision of the unit that employs the Designee. No Designee, however, shall be permitted to investigate any matter or consult with any potential complainant without first receiving training of a type and duration specified by the Vice President for Human Resources. Such training shall be completed within 60 days after the selection of the Designee by the Vice President for Human Resources.

All complaints filed with EEO Designees shall be submitted to the EEO Officer for review and assignment.

Employees are encouraged to consult with the EEO Officer or their assigned EEO Designee if they have any questions regarding this Policy including, but not limited to, the appropriateness of filing a complaint. If an employee so elects, the EEO Officer or Designee, as appropriate, may attempt to effect a resolution of issues of concern prior to the filing of a complaint by the employee.

(b) Required Information -- A complaint must be in writing and include the name(s), date(s), time(s), description of specific incident(s), and any other information on which the complaint is based. The complainant must sign the complaint and be willing to be identified to witnesses and to the person against whom the complaint is directed, if that is determined necessary by the University to resolve the complaint.

(c) Time of Filing -- A complaint of employment discrimination must be filed within 45 calendar days following the date of the alleged discrimination. If, however, an individual reasonably believes that he or she may be the subject of an adverse personnel action in violation of this Policy's prohibition against employment discrimination, a timely complaint must be filed within 30 calendar days after the employee had actual knowledge that the action would be taken, or within 30 days after the actual effective date of such adverse action, whichever is earlier. For the purposes of this paragraph the term "adverse action" shall include the failure to hire, firing, the failure to promote, demotion, and all forms of disciplinary action.

(d) Interim Remedial Action -- Promptly upon notification of a complaint, the EEO Officer or the assigned EEO Designee will discuss with the complainant the nature of the complaint and will determine whether interim remedial measures should be taken to alleviate problems or conflicts pending an investigation and resolution. Such measures may involve either the complainant or the accused (the "subject") and may include a transfer, reassignment of duties or reporting requirements, mandatory administrative leave with pay, or other appropriate measures. Such measures, however, shall not be considered disciplinary action against any person and may only be taken with the concurrence of the Vice President for Human Resources, after consultation with the Office of General Counsel.

(e) Investigation - The EEO Officer will conduct, or manage, the investigations of all employment discrimination complaints. At the election of the EEO Officer, the conduct of an investigation may be delegated to the appropriate EEO Designee or, with the concurrence of the General Counsel, to an outside law firm or consultant. If a consultant or law firm is used to conduct an investigation, it will be selected and retained by the General Counsel and its Report of Investigation may be disclosed only to the extent authorized by the General Counsel.

(f) Methods of Investigation - The conduct of investigations must include an interview of the complainant and may include one or more of the following fact-finding methods:

- (i) review of all relevant documents including, but not limited to, employment applications, performance reviews, and records of any past discipline;
- (ii) personal interviews with co-workers, supervisors, and any other person who may have knowledge or information relevant to the allegations in the Complaint; or
- (iii) letters of inquiry by the investigator to those persons described in (ii) above.

(g) Notice to Subject - The subject of the investigation shall have the right to be informed, in writing, of the charges contained in the complaint and to submit a written response to those charges.

(h) Confidentiality - To the fullest extent practicable and consistent with the University's need to investigate and take corrective action, complaints of employment discrimination will be processed confidentially. However, the name of the complainant may be revealed, as well as all material circumstances of the alleged discrimination, if the University determines such action is necessary to resolve the complaint.

(i) Resolution - Upon the conclusion of an employment discrimination investigation, a Report of Investigation shall be prepared and forwarded by the EEO Officer to the Vice President or other appropriate authority⁹ ("Decisional Authority") who has supervisory responsibility over the organizational unit employing the subject. The Report shall contain a brief description of the complaint, a statement of the methodology used to investigate the complaint, findings of material fact, and an opinion of the investigator as to whether the allegations of the complaint are sustained by the facts.¹⁰ A recommendation for specific remedial action shall not be provided unless such a recommendation is subsequently requested by the Decisional Authority. The Decisional Authority shall take such remedial measures as may be appropriate under the circumstances, after consultation with the Office of General Counsel. The Decisional Authority's action, or declination of action, constitutes the final administrative action of the University and shall not be subject to appeal.

⁹Such other "authority" may be the President, the Provost, or the General Counsel, for those individuals who report directly to each of them.

¹⁰Such a determination should be based on the investigator's good faith belief as to whether credible and relevant facts make it more likely than not that the alleged discrimination did take place.

(j) Notification - In the event that allegations of employment discrimination are sustained, the Decisional Authority responsible for reviewing the Report on Investigation shall: (a) notify the subject of investigation of the findings and of the remedial action taken or to be taken; and (b) notify the complaining party that the allegations have been sustained and that appropriate remedial action has been or will be taken. The complainant shall be informed of the nature of such action only in the event that the remedial action may affect the terms and conditions of the complainant's employment.

In the event that the allegations of employment discrimination are not sustained, the Decisional Authority shall notify the complainant and the subject of that fact.

(k) Alternative Procedures - If a Vice President (or person of similar rank) is the subject of a complaint, the President shall be the official to whom the Report of Investigation shall be furnished and who shall take such remedial action as may be appropriate. If the President, in his individual capacity, should be the subject of a complaint, the Vice President of Human Resources shall notify the General Counsel who, in turn, shall recommend a special investigative protocol to the Chairman of the Audit and Legal Committee of the Board of Trustees. Thereafter, such complaint shall be investigated as directed by such Committee.

PROCEDURES FOR RESOLVING DISCRIMINATION COMPLAINTS IN EDUCATIONAL PROGRAMS OR ACTIVITIES¹¹

(a) Persons to Contact - Student complaints of impermissible discrimination in the conduct of education programs or activities must be brought to the attention of the Dean, or the Dean's Equal Opportunity Designee ("EO Designee"), of that College or School, or other organizational unit of the University, in which the student is enrolled. A confidential copy of the complaint shall be provided by such Dean or the Dean's EO Designee to the Office of General Counsel.

In addition to the persons described in the preceding paragraph, a student may file complaints of discrimination based on race, gender, color, or national origin with the United States Department of

¹¹These procedures are not applicable to any gender-based discrimination in the conduct of education programs and activities. Procedures for the resolution of those types of complaints are contained in the *Howard University Policy Against Sexual Harassment and Gender-based Discrimination in Education Programs and Activities*. If a student is charged with a violation of this Policy, the procedures recited in the Student Code of Conduct and Judiciaries shall be used in lieu of those specified in this Policy for the imposition of discipline, if appropriate.

Education, Office for Civil Rights ("OCR"). The address and telephone number of the appropriate OCR District are as follows:

U.S. Department of Education
 Office for Civil Rights
 District of Columbia Office
 1100 Pennsylvania Avenue, N.W., Rm. 316
 Post Office Box 14620
 Washington, D.C. 20044-4620
 Telephone: (202)208-2545
 FAX: (202)208-7797; TDD (202)208-7741

Students are encouraged to consult with their Dean or the Dean's EO Designee if they have any questions regarding this Policy including, but not limited to, the appropriateness of filing a complaint. If a student so elects, the Dean or the Dean's EO Designee, as appropriate, may attempt to effect a resolution of issues of concern prior to the filing of a complaint by the student.

The Deans and their EO Designees are as follows:

| College/School | Dean | Title IX Designee | Address | Telephone |
|--|---------------------------|---|--|-----------|
| Arts & Sciences | Dr. James Donaldson | Dr. Charles Jarmon Dr. Robert Catchings Dr. Paul Logan Dr. Tritobia Benjamin Andrena Wright | 2441 6 th St., NW Suite 101 | 806-6700 |
| Communications | Dr. Jannette Dates | Dr. David Woods Harriet Ragin | 525 Bryant St., NW Room C-204 | 806-7694 |
| Divinity | Dr. Clarence Newsome | Dean Bertram Melborne Cassandra Newsome | 1400 Shepherd St, NE Room 149 | 806-0500 |
| Education | Dr. Vinetta Jones | Dr. Delores Dickerson | 2441 4 th St., NW Room 104 | 806-7340 |
| Business | Dr. Barron Harvey | Carol Henley Harold Degray | 2600 6 th St., NW Room 571 | 806-1500 |
| Dentistry | Dr. Charles Sanders | Dr. Leo Rouse Dr. Theola Douglass | 600 W St, NW Room 5D6 | 806-0440 |
| Eng., Architect & Computer Sci. | Dr. James Johnson | Marilyn Nolley | 2300 6 th St., NW Room 1016 | 806-6565 |
| Pharmacy, Nursing & Allied Health Sciences | Dr. Pedro Lecca | Dr. Vincent Telang Dr. Peggy Valentine Dr. Dorothy Powell Debby Penaman | 2300 4 St.- Pharmacy 501 Bryant St.- Nursing 6 th & Bryant - AH | 806-5431 |
| Graduate School Arts & Science | Dr. Orlando Taylor | * | 4 th & College Sts., NW Annex III | 806-6800 |
| College of Medicine | Dr. Floyd Malveaux | Sterling M. Lloyd Pauline Titus-Dillon | 520 W St., N.W. Room 512 | 806-6270 |
| Law | Dr. Alice Gresham Bullock | Denise Purdy Sam McClendon | 2900 Van Ness St., NW Room 112 | 806-8000 |

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| Social Work | Dr. Richard A. English | Dr. Annie Brown | 601 Howard Pl., NW Room 209 | 806-7311 |
|-------------|------------------------|-----------------|--------------------------------|----------|

* To be named.

If either the Dean or the EO Designee is the subject of a complaint, the complaint shall be filed with the General Counsel, who shall determine the most appropriate manner to investigate and resolve the complaint consistent with the remaining provisions of this Policy.

(b) Required Information - A complaint must be in writing and include the name(s), date(s), time(s), description of specific incident(s), and any other information on which the complaint is based. The complainant must sign the complaint and be willing to be identified to witnesses and to the person against whom the complaint is directed, if that is determined necessary by the University to resolve the complaint.

(c) Time of Filing - A complaint of discrimination in the conduct of education programs and activities must be filed within 60 calendar days following the date of the alleged discrimination.

(d) Interim Remedial Action - Promptly upon the filing of a complaint by a student, the Dean, or the Dean's EO Designee, shall consult with the Office of General Counsel to determine whether interim remedial measures should be taken to alleviate problems or conflicts pending an investigation and resolution. Such measures may involve either the complainant or the subject and may include class reassignments, a transfer from teaching to administrative, research, or other non-teaching duties, administrative leave (with pay), or excusable absences from class and/or class assignments. Such measures, however, shall not be considered disciplinary action against any person and may only be taken with the concurrence of the Provost.

(e) Investigation - The Dean, or the EO Designee, will conduct investigations of all discrimination complaints regarding education programs or activities. With the concurrence of the General Counsel, the conduct of an investigation may be delegated to an outside law firm or consultant. If a law firm or consultant is used, however, it shall be selected and retained by the General Counsel and its Report of Investigation may be disclosed only to the extent authorized by the General Counsel.

(f) Methods of Investigation - The conduct of investigations must include an interview of the complainant and may include one or more of the following fact-finding methods:

- (i) review of all relevant documents including, but not limited to, academic records;

(ii) personal interviews of Faculty, students, may have knowledge or information relevant to the allegations in the complaint; or

(iii) letters of inquiry by the investigator to those persons described in (ii) above.

(g) Notice to Subject - The subject of the investigation shall have the right to be informed, in writing, of the charges contained in the complaint and to submit a written response to those charges.

(h) Confidentiality - To the fullest extent practicable and consistent with the University's need to investigate and take corrective action, complaints of discrimination will be processed confidentially. However, the name of the complainant may be revealed, as well as all material circumstances of the alleged discrimination, if the University determines that such action is necessary to resolve the complaint.

(i) Resolution - Upon the conclusion of a discrimination investigation pertaining to education programs or activities, a Report of investigation shall be prepared by the Dean, or the EO Designee, and shall be forwarded to the Provost. The Report shall contain a brief description of the complaint, a statement of the methodology used to investigate the complaint, findings of material fact, and an opinion of the Dean, or the EO Designee, as to whether the allegations are sustained. The Report shall be accompanied by a recommendation from the relevant Dean of those remedial measures, if any, the Dean believes may be appropriate under the circumstances. Such measures shall be adopted by the University unless the Provost, after consultation with the Office of General Counsel, finds such measures unreasonable under the circumstances. The action, or declination of action, by the Provost may not be appealed to any other authority.

(j) Notification - In the event that the allegations of discrimination in education programs or activities are sustained, the Provost shall: (i) notify the subject of the investigation of the findings and of the remedial action taken or to be taken; and (ii) notify the complaining party that the allegations have been sustained and that appropriate remedial action has been or will be taken. The complainant shall be informed of the nature of such action only to the extent necessary to demonstrate that the allegations have been appropriately redressed.

In the event that the allegations of discrimination in the conduct of education programs or activities are not sustained, the Provost shall advise the complainant and the subject of that fact.

(k) Alternative Procedures - If the Provost or a Vice President (or person of similar rank) is the subject of a complaint of discrimination in the conduct of education programs or activities, the Report of Investigation shall be furnished to the President who shall take such remedial action as may be appropriate. If the President, in his individual capacity, should be the subject of such a complaint, the Dean shall notify the General Counsel who, in turn, shall recommend a special investigative protocol to the Chairman of the Audit and Legal Committee of the Board of Trustees. Thereafter, such complaint shall be investigated as directed by such Committee.

CONFLICTS OF INTERESTS

If the performance of any duty or responsibility hereunder by University employees presents, in the opinion of the General Counsel, any actual or apparent conflict of interest or violation of the University's Code of Ethics and Conduct, the General Counsel may reassign duties and/or responsibilities of such employees on a case-by-case basis to avoid such conflict or violation.

POSTING OF NOTICES

It is the responsibility of the Vice President for Human Resource Management, in consultation with the General Counsel, to ensure that the University post and keep posted in conspicuous places notices that appropriately summarize this Policy.

EFFECT ON FORMER POLICIES AND PROCEDURES

This Policy and Procedure on *Equal Opportunity in Employment and Education Programs and Activities* supersedes and replaces, in their entirety, all previous University policies and procedures dealing with this subject matter.