



## Grand Canyon Education Human Resources Policies & Procedures

Policy Name	Nondiscrimination & Anti-Harassment Policy and Complaint Procedure	Pages	5
Department	Human Resources	Policy Number	HR-501
Subsection		Effective Date	January 1, 2011
		Revision Date	November 12, 2018

### **Overview**

Grand Canyon Education, while reserving its lawful rights where appropriate to take actions designed to ensure and promote the Christian principles that sustain its mission and heritage, prohibits unlawful discrimination, including any form of harassment and/or retaliation, by employees,, customers, contractors, or agents of the Company and by anyone participating in a Company sponsored activity against an individual based on age, disability, national origin, race, ethnicity, color, religion, sex, pregnancy, veteran status, genetic information or any other classification protected by applicable law. It is the purpose of the Company to pursue the very highest employment and academic standards within a context that celebrates and extends the spiritual and ethical ideals of the Christian faith. All employees are responsible for taking proper action to end those behaviors described herein.

### **Scope**

This policy applies to

- All Company employees in all aspects of their employment relationship with the Company regardless of their position or seniority;
- All partner institution students in their admission to and participation in the institution's educational programs and activities;
- All persons participating in or accessing Company sponsored programs, activities, or facilities;
- Vendors, contractors, visitors, customers, partner institution students or anyone else who comes in contact with Company employees while they are engaged in GCE business.

### **Policy**

#### *Harassment Defined*

Harassment is unwelcome behavior based on a protected classification that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment, employment, or participation in Company sponsored activities. Harassing conduct may take many forms, including verbal communications and name calling, as well as nonverbal communications, such as graphic, electronic, and written statements, or physical conduct that is offensive, harmful, threatening, or humiliating.

#### *Harassment Prohibition*

Harassment of any kind is unacceptable whether in the workplace, in Company facilities, as well as in other Company-related settings, such as Company-sponsored social functions and events. Any form of harassment violates Company policy even if it might not be sufficiently severe or pervasive to constitute a violation of law.

Examples of prohibited conduct include but are not limited to:

- Verbal conduct of a discriminatory nature, such as using degrading, vulgar or discriminatory words to describe an individual, or making derogatory discriminatory comments, slurs, taunts, jokes or epithets (i.e., those which are based on race, color, ancestry, religion, citizenship, sex, sexual orientation, family care status, marital status, national origin, age, veteran status, disability, pregnancy, genetic information or any other characteristic protected by federal, state or local law;



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- Non-verbal conduct of a discriminatory nature, such as making derogatory or discriminatory gestures, displaying discriminatorily-based objects, pictures, posters or cartoons, or giving, sending or circulating derogatory or discriminatory letters, e-mail, texts and/or instant messages, voice-mail messages, gifts, notes or invitations;
- Retaliating against or threatening to retaliate against a person for protesting about harassing conduct or for making a complaint about such behavior.

Harassment is considered a form of employee misconduct. Corrective action, up to and including termination, will be taken against any employee engaging in this type of behavior. Any manager who has knowledge of such behavior yet takes no action to end it is also subject to corrective action.

### *Sexual Harassment Defined*

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and (where applicable) local law. Sexual harassment is unwelcome conduct of a sexual nature, or that is based on someone's gender, that is either explicit or implicit and submission is a term or condition of an individual's employment, education or participation in a Company program or activity; submission or rejection of such conduct is used as the basis for or is a factor in decisions affecting that individual's employment, education or participation in Company sponsored activities and/or such conduct has the purpose or effect of interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive environment for work, education or participation in Company activities/programs. It also includes harassment of a person by another person of the same gender if the harassment is based on sex, and non-sexual conduct or statements that are directed toward someone on the basis of his or her gender. Sexual violence is an extreme form of sexual harassment, but as indicated above is not necessary for harassment to occur.

Sexual harassment does not refer to occasional compliments or other generally acceptable social behavior. It refers to behavior that is not welcome, is personally offensive, undermines or weakens morale and, therefore, unreasonably interferes with the work or academic performance of its target. Employees may not harass any other employee, customer, vendor or visitor. The definition includes many forms of offensive behavior and also includes harassment of a person by another person of the same gender if the harassment is based on sex.

No employee of the Company is permitted to stipulate any employment condition or benefit based on the granting of sexual favors, tolerating unwelcome sexual conduct or any other conduct prohibited by this policy.

Examples of prohibited conduct include but are not limited to:

- Offering employment or partner institution educational benefits, such as favorable assignments, reviews, promotions or the like, in exchange for sexual favors;
- Denying, or threatening to deny, employment or partner institution educational benefits for rejecting sexual advances;
- Unwanted sexual advances, propositions, flirtations or repeated unwanted requests for, or efforts to make, social contact;



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- Unwelcome verbal conduct of a sexual or gender-based nature, such as using sexually degrading, vulgar or discriminatory words to describe an individual, making comments about an individual's body, discussing sexual activity, or making derogatory sexual, gender-related or discriminatory comments, slurs, taunts, jokes or epithets;
- Unwelcome verbal conduct of a sexual or gender-based nature, such as whistling, unwelcome staring, leering, displaying sexually suggestive, gender-based objects, pictures, posters or cartoons, making sexual, derogatory, obscene or discriminatory gestures, or giving, sending or circulating sexual, derogatory, obscene or discriminatory letters, e-mail messages, voice-mail messages, gifts, notes or invitations;
- Unwelcome physical conduct of a sexual or gender-based nature, such as touching, patting, pinching or repeated brushing against another's body, or impeding or blocking an individual's movement;
- Retaliating, or threatening retaliation, for objecting to sexually harassing or gender-based conduct, for making a complaint about such behavior or for participating in an investigation regarding such behavior.

### *Consensual Sexual or Romantic Relationships*

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic or sexual relationships in situations where one individual has greater power or authority over the other can create a perception of favoritism or other problems in the workplace.

The Company prohibits consensual relationships of a sexual or romantic nature between staff and any employee or partner institution student with whom the staff currently exercises professional authority (e.g. manager-subordinate). In addition, consensual sexual conduct between GCE employees and partner institution students or prospective students are strictly prohibited under all circumstances due to the unequal power inherent in their interactions. Sexual conduct includes making sexual advances, requiring sexual favors, or engaging in other verbal or physical contact of a sexual nature. Certain exceptions to this prohibition may apply to unique situations.

Please refer to the Personal Relationships section in the Employee Handbook for additional details.

### *Reporting and Investigation*

All employees are responsible for participating in creating an environment that is free from all forms of unlawful discrimination and harassment as well as for cooperating with Company officials who investigate allegations of policy violations. If an employee becomes aware of any harassment, this information should be communicated, without fear of retaliation, to the employee's immediate supervisor, department head and/or Human Resources. The Company will take prompt and appropriate action to: (1) thoroughly investigate complaints; and (2) prevent, correct and, if necessary, discipline individuals who engage in behavior that violates this policy. Formal complaints will typically be investigated and resolved within 60 calendar days of receiving the complaint.



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The Company management will maintain the confidentiality for all parties involved to the greatest extent consistent with our goal of conducting a thorough and complete investigation. Effort will be made to safeguard the privacy and rights of all persons involved.

### *Complaint and Investigation Procedure*

The following procedures should be followed whenever an employee believes that he or she has witnessed or has been the subject of discrimination, harassment or retaliation:

- If an individual feels they have been discriminated against or harassed in any way, it is generally best to tell the person that you find such behavior offensive, that such behavior is against Company policy, and that you want him or her to immediately stop. However, if an individual is uncomfortable taking this action, or if the conduct does not stop after the offending person has been warned, then the individual should immediately contact their immediate supervisor, department head and/or Human Resources.
- Employees should report the offending incident or conduct promptly. Timely reporting is vital to the Company's ability to investigate complaints and take appropriate action. Prompt reporting also allows the Company to take steps to prevent further misconduct. However, employees are encouraged to report the incident or conduct even if it was not reported in the past.
- The Company has no requirement regarding the form or content of a complaint. Employees are encouraged to submit a written complaint form, which may be found on the HR department page on GCE's intranet. The complaint may be verbal or written. It is recommended that an employee provide as much information as possible regarding the offending incident or conduct, such as what happened or is continuing to happen, the person or persons causing the harassment, and the time(s) and place(s) that the incident(s) or conduct occurred. If available, the names of witnesses should be provided, but employees are encouraged to report conduct in violation of this policy even if there are no witnesses.
- If an employee believes that in connection with their work for the Company, that a customer or vendor or an employee or agent of a customer or vendor has violated the Company's EEO, nondiscrimination or anti-harassment policies, then these procedures should also be followed to report the violation.
- Upon receipt of the complaint, the allegations will be reviewed and a fair and impartial investigation will be completed.

### *Retaliation*

The Company prohibits retaliation against anyone who complains or is involved in the filing, investigation, or resolution of a harassment or discrimination claim. The Company will also not retaliate against anyone who files a complaint with, or otherwise participates in an investigation, proceeding or hearing conducted by an outside agency. Employees who believe that they have witnessed or experienced retaliation in violation of this policy should report the retaliation pursuant to the Complaint Procedure outlined in this policy.



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### *Reporting Complaints to Outside Agencies*

Company employees have the right to file discrimination, harassment and retaliation complaints with outside agencies as well as with the Company's HR Service Center. If an individual files a complaint with an external agency, the filing will not affect the Company's investigation concerning same or similar events.

An employee may also pursue any charge of harassment or discrimination with the Equal Employment Opportunity Commission (the "EEOC") or comparable state or local agency. Employees may contact the EEOC at 1801 L Street, NW, Washington, D.C. 20507 or at (800) 669-4000. (A listing of EEOC field offices may be found at <http://www.eeoc.gov/field/index.cfm>).

Additional information regarding specific state and local statutory provisions, rights of redress and additional forums for adjudication for harassment and discrimination claims may be found on the HR Employment Posters page on GCE's intranet.

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

### *Title IX Awareness*

Although GCE is not subject to Title IX, our partner institutions are obligated to comply. Title IX protects individuals from discrimination based on sex in any educational program or activity operated by recipients of federal financial assistance. Sexual harassment is one form of sex discrimination prohibited by Title IX.

Care should be taken to keep your actions and communications with partner institutions employees, faculty and students professional and respectful at all times. Additionally, GCE employees may not discriminate in any way against partner institution students in their admission to and participation in the institution's educational programs and activities. If a partner institution employee is accused of violating the institution's Title IX policy, they may be permanently barred from working for the institution which may lead to corrective action up to and including termination of employment.

**If you see or hear of behavior that violates this expectation, you are encouraged to intervene, speak up, and contact the Title IX Coordinator of the partner institution.**

Title IX Coordinator  
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