




## Policies and Procedures

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### 13.02: Anti-discrimination and Harassment Policy

#### Policy Title: 13.02 Anti-discrimination and Harassment Policy

**Purpose:** To provide guidelines regarding discrimination and harassment applicable to the entire University.

**Policy Statement:** It is the policy of the University of Northern Iowa that there will be equal employment and educational opportunity without regard to race, color, sex, age, disability, veteran status, religion, national origin, sexual orientation, or any other basis protected by federal and/or state law. This includes the provision of a campus environment that is free from illegal discrimination and harassment. The University will not tolerate any form of illegal discrimination or harassment and will not condone any actions or words from employees or students that constitute such.

All members of the University community are accountable for compliance with this policy. The University is committed to eliminating illegal discrimination and harassment, wherever they occur in the University community, by taking corrective action as a result of violations of this policy. Violations may lead to disciplinary action up to and including separation from the University.

Sexual harassment is an important concern to the University and therefore warrants particular attention. The University of Northern Iowa considers sexual harassment to include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working, academic, or social environment.

**Consensual Relationships:** Consensual romantic and/or sexual relationships where a power differential exists, whether real or perceived, may constitute sexual harassment. The effect of such a relationship may render an individual's work, academic, or social environment intimidating, offensive, or hostile. Further, the individual with the power in the relationship will bear the burden of responsibility should a complaint of sexual harassment be filed. Hence, all University employees are strongly discouraged from entering into romantic and/or sexual relationships, which could lead to the creation of a hostile educational, social, and/or work environment for other members of the University community.

**Confidentiality:** Complaints of discrimination or harassment filed with the University will be treated with the utmost privacy possible to the extent allowed by law, while also assuring a complete investigation. University personnel involved in or responsible for any aspect of a complaint shall maintain such confidentiality throughout the processing of the complaint.

Should the complainant publicly discuss the complaint, the University shall be relieved of its confidentiality obligations related to the disclosed information under this policy.

**Retaliation:** The University seeks to create an environment where its students and employees are free, without fear of reprisal, to use these procedures to determine if there has been a violation of their civil rights. Any act of retaliation will result in appropriate disciplinary action. Similarly, persons who use this process to bring frivolous or otherwise bad faith allegations against an employee shall be subject to disciplinary action.

**Reporting Responsibilities:** All University employees in a supervisory capacity are required to report to the Office of Compliance and Equity Management any allegation of discrimination and/or harassment of which they are made aware. The confidentiality of all parties will be honored to the extent legally allowed and which provides for an appropriate investigation. Persons seeking information or guidance concerning potential discrimination or harassment allegations are advised that the University may need to take action once it is informed of an allegation whether or not the person wants to pursue a complaint.

Non-supervisory employees are strongly encouraged to report allegations of discrimination and/or harassment to any supervisor or directly to the Office of Compliance and Equity Management.

**Disabilities:** In order to receive assistance with requests for accommodations, a student with a disability must contact the Office of Student Disability Services. An employee with a disability who wishes to request an accommodation should contact his/her supervisor or the Coordinator of Faculty and Staff Disability Services located in Human Resource Services. A visitor with a disability who wishes to request an accommodation should contact the Coordinator of Faculty and Staff Disability Services. If an employee or student feels his/her rights under the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act of 1990 have been violated, they may consult with the Office of Compliance and Equity Management and/or utilize the following procedures.

**Procedure for Resolution:** An allegation of discrimination and/or harassment against either an employee or graduate student who is employed by the University should be addressed to the Office of Compliance and Equity Management. An allegation against a student should be filed in the Office of the Vice President for Educational and Student Services.

An employee or student alleging discrimination and/or harassment is encouraged to discuss the allegation with the head of the department, as appropriate, in which the alleged discrimination occurred. This step is to facilitate an informal resolution of the matter whenever possible. In the event that an informal resolution is not reached, the student or employee may consult with the Office of Compliance and Equity Management to initiate a formal investigation.

The Office of Compliance and Equity Management will provide a complaint form, which the complainant will then complete and return. The complaint will describe the alleged discrimination and/or harassment, the specific type of discrimination and/or harassment being alleged, and name of person(s) against whom the complaint is being filed.

The Office of Compliance and Equity Management will acknowledge the receipt of the complaint in writing and will also notify in writing the following parties: the accused person and his/her department head/director, dean, vice president, and the president. When deemed appropriate, the complainant is then given the option to resolve the complaint through mediation rather than investigation. Only if both the complainant and accused agree to mediation will that option be utilized. In the event that either party declines mediation, the Office of Compliance and Equity Management will conduct an investigation of the alleged discrimination or harassment charges.

Following is the process for the investigation of complaints which have not been resolved through mediation:

A person designated by the Office of Compliance and Equity Management will initiate an investigation into the allegations. A typical investigation will involve meeting with the person filing the complaint, the person(s) named in the complaint, and with other persons who may have knowledge relevant to the investigation.

The Director of the Office of Compliance and Equity Management will receive a report of the investigation from the designated investigator. S/he will render a finding of sufficient or insufficient evidence to support the complaint. This determination will be based upon the evidence obtained as a result of the investigation process. The complainant and the accused will be notified of the finding in writing. The accused person's department head/director, dean, vice president, and the president will also be notified.

In the event that there is a finding of a violation of University policy, the department head/director of the accused will determine appropriate disciplinary sanctions, and will notify in writing the accused and the Office of Compliance and Equity Management of his/her decision. This written decision must be issued within fifteen working days of the date of the notice from the Office of Compliance and Equity Management. When someone of the rank of department head/director or higher serves as a party or witness in an investigation, the notice will be sent to that party/witness' immediate supervisor for determination of disciplinary sanctions. This is the conclusion of the internal procedures under this policy.

*Office of Compliance and Equity Management, Approved 03/02, Amended 06/07*

*President's Cabinet, Approved 04/01/02, Amended 06/07*

For additional information, contact the Office of Compliance and Equity Management, 441 Library, University of Northern Iowa, Cedar Falls, IA 50614-0028, 319.273.2846, or visit [www.uni.edu/equity](http://www.uni.edu/equity).

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