

Active

 Info

Non-Discrimination and Harassment Policy

I. Policy Statement

The University of Tulsa (the "University") is committed to maintaining equal access to its programs, facilities, admission, and employment for all persons, including by maintaining an environment that is free of illegal discrimination and harassment. In keeping with that policy, the University prohibits discrimination and harassment by or against any member of the University Community because of their race, color, national origin, ancestry, religion, creed, sex, sexual orientation, gender, gender identity, pregnancy, pregnancy-related conditions, age, genetic information, disability, veteran status, marital or family status, or any other legally-protected class. Discriminatory conduct and harassment violate the dignity of individuals, impedes the realization of the University's educational mission, and will not be tolerated.

This Non-Discrimination and Harassment Policy (Policy) shall not be construed to restrict academic freedom at the University. Conduct prohibited by this policy may also violate applicable federal and state law.

II. Application

This policy applies to all members of the University Community, as well as any others that participate in the University's educational programs and activities. This policy applies to: (a) all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, benefits, job-related training, and compensation; and (2) all educational programs and activities, including but not limited to, admissions, academics, athletics, housing, and student services.

This Policy does not apply to conduct that is within the scope of the University's Title IX policy.

III. Definitions

Acts of Bias means conduct that is in violation of a University policy, rule or regulation and is motivated by discriminatory bias against or hatred toward other individuals or groups based on characteristics such as age, ancestry, color, disability or handicap, genetic information, national origin, political belief, race, religion, creed, sex, sexual orientation, gender identity, or veteran status.

While Acts of Bias violate University policy (e.g., incidents may violate the Student Code of Conduct), some bias incidents may be considered protected speech or expression. The University protects free expression of ideas, even if they are unpopular, because this is vital in promoting learning in an educational setting. Freedom of speech can sometimes protect controversial ideas and sometimes even offensive and hurtful language; however, it does not protect personal threats, discriminatory conduct, vandalism, or other acts of misconduct that violate the Student Code of Conduct, other University policies or relevant federal, state and local laws.

Days means business days and excludes any Saturday, any Sunday, and any day on which the University is closed.

Discrimination is conduct of any nature that denies an individual the opportunity to participate in or benefit from a University program or activity, or otherwise adversely affects a term or condition of an individual's employment, education, or living environment, because of the individual's Protected Status. Discrimination in employment can be defined, generally, as an adverse employment action directed at a specific individual or a group of identifiable individuals based on that individual's or group's Protected Status. Discrimination in education can be defined, generally, as materially adverse conduct that, based on an individual's or group's Protected Status, subjects that individual or group to treatment that adversely affects their ability to enjoy a full right to educational opportunities, including participation in academics, and/or the University's other educational programs and activities.

Gender-based Harassment is a type of Harassment that is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities. (For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.)

Harassment is conduct that is sufficiently severe or pervasive such that it substantially interferes with an individual's employment, education or access to University programs, activities or opportunities and would detrimentally affect a reasonable person under the same circumstances. Harassment in employment can be defined, generally, as unwelcome conduct that is based on a Protected Status, where enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment in education can be defined, generally, as conduct motivated by an individual's Protected Status that is sufficiently severe, persistent or pervasive so as to interfere with or limit the ability of an individual to participate in or benefit from the educational programs or activities.

Protected Status means an individual's race, color, national origin, ancestry, religion, creed, sex, sexual orientation, gender, gender identity, pregnancy, pregnancy-related conditions, age, genetic information, disability, veteran status, marital or family status, or any other legally-protected class.

Retaliation means materially adverse actions taken against an individual or group of individuals for having engaged in protected conduct. Retaliation can take many forms, including but not limited to, adverse action or violence, threats, and intimidation that would discourage a reasonable person (under similar circumstances) from making a good faith report.

Sex-based Harassment is a type of Harassment that is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, when: (1) submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); or (2) such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities (hostile environment).

Information regarding issues of sex-based harassment specifically, including definitions and information about the University's procedures for reporting and processing such incidents, can be found in University's Title IX Policy. After an initial assessment of the facts, the Title IX Coordinator will determine if the alleged Prohibited Conduct falls under the guidelines of Title IX. If not, the matter will be subject to this Policy.

University Community means all faculty, staff, employees, students, trustees, vendors, contract workers, business invitees, applicants for admission or employment, volunteers, visitors and guests at all times and places in any connection with this institution, whether on or off campus.

IV. Policy

A. Prohibited Conduct

This Policy prohibits Acts of Bias, Discrimination, Harassment (including but not limited to Gender-based and Sex-based Harassment), and Retaliation (collectively, "Prohibited Conduct").

B. Reporting Prohibited Conduct

The University encourages all members of the University Community to promptly report any behavior they believe may constitute discrimination and/or harassment. Many incidents of discrimination and/or harassment can be effectively addressed with a minimum of disruption to the affected parties if promptly reported. Failure to report perceived discrimination and/or harassment on a timely basis may make it difficult for the University to take effective corrective action.

Reports of Prohibited Conduct should be made to the Responsible Officer:

Kathleen Smith
Equal Opportunity Officer
The University of Tulsa
Fisher West, Suite 203
800 S Tucker Dr.
Tulsa, OK 74104
918-631-2321
kathleen-smith@utulsa.edu

1. *Conduct that Poses an Ongoing Safety Threat or Constitutes a Crime*

Any person who wishes to make a complaint of discrimination or harassment that also constitutes a crime—including hate crimes, assault, or property offenses—is encouraged to make a complaint with the Campus Security (918-631-5555) or local law enforcement (Emergencies: 911; Non-emergencies: 918-596-9222). If requested, the University will assist the complainant in notifying the appropriate law enforcement authorities.

In the event of an emergency, or there is ongoing danger to person or property, please contact 911 and Campus Security (918-631-5555). A victim may decline to notify such authorities.

2. *Content of the Complaint*

So that the University has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the University may follow up appropriately.

3. *Timing of the Complaint*

The University encourages persons to make complaints of discrimination and harassment as soon as possible because late reporting may limit the University's ability to investigate and respond to the conduct complained of.

4. *Anonymous Complaints*

While anonymous complaints will be accepted, the University may be limited in its ability to investigate or resolve anonymous complaints. If the anonymous complaint contains sufficient information regarding the conduct, the University will take reasonable steps to address the concerns in coordination with any relevant department or division.

In addition to reporting to the Responsible Officer, anonymous complaints may be submitted using the University's online [Ethics Point reporting system](#) or by calling the Ethics Point Hotline at **1-866-384-4277**.

5. *Bad-Faith Complaints*

While the University encourages all good-faith complaints of discrimination and harassment, the University has the responsibility to balance the rights of all parties. Therefore, if the University's investigation reveals that a complaint was knowingly false, the complaint will be dismissed, and the person who filed the knowingly false complaint may be subject to discipline.

C. Retaliation

It is a violation of this policy to retaliate against any member of the University Community who reports or assists in making a complaint or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should report such alleged retaliation to the Equal Opportunity Officer.

D. Investigation and Confidentiality

All complaints of discrimination and harassment will be investigated in accordance with this policy, and the University will take disciplinary or other action where it deems appropriate. The University will take efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint; however, the University cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. The University reserves the right to initiate an investigation and take action despite a complainant's request for confidentiality in limited circumstances involving a potential crime, serious or repeated harassment or where the alleged perpetrator may pose a continuing threat to the University Community.

E. Free Expression and Academic Freedom

The University is committed to its long-standing traditions of academic freedom and free expression. The University is an institution whose members may express themselves, while protecting and respecting the rights of others to learn, to do research, and to carry out the essential functions of the University free from interference or obstruction. When addressing complaints of violations of this policy, the University will take all permissible actions to respond appropriately while respecting the rights of free expression and academic freedom. The offensiveness of a particular expression, course content, subject of academic inquiry, or research topic, as perceived by some, standing alone, may not be sufficient to constitute a violation of this policy.

Faculty members and students should be aware that conduct occurring in the context of educational instruction may exceed the protections of free expression and academic freedom if it meets the definition of Discrimination or Harassment and is not germane to academic subject matter, lacks a pedagogical purpose, advances the personal interest of a faculty member or student without relating to the learning process or legitimate academic objectives, causes material adverse action against a person, reveals confidential information about a person, is defamatory or libelous, threatens physical harm or imminent violence, and/or constitutes some other category of speech that is unprotected by the U.S. Constitution or other law.

V. Procedures for Investigating and Resolving Complaints

A. Commencing the Investigation

When a complaint is made, the Equal Opportunity Officer and/or their designee ("Investigator") will commence an investigation of the complaint. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes a violation of this policy. Some complaints may involve a preliminary inquiry into whether the matter falls under this Policy or requires referral for treatment under a different policy.

In some circumstances, the investigation may commence even if the Complainant requests that the matter not be pursued. In such a circumstance, the University will endeavor to investigate and respond to the matter in a manner that is informed by the Complainant's articulated concerns.

B. The Content of the Investigation

During the investigation, Complainants will have the opportunity to describe their allegations and identify supporting witnesses or other evidence. The individual accused of wrongdoing (Respondent) will have the opportunity to respond to the allegations and identify supporting witnesses or other evidence. The Investigator will review the evidence and, depending on the circumstances, may interview others with relevant knowledge, review other documentary materials, and take any other action they deem appropriate to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

C. Interim Measures

At any time during the investigation, the University may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative living, class-placement, or workplace arrangements. Supervisors, staff advisors, and other University employees may be notified of interim measures if their notification is necessary to ensure the interim measures are appropriately observed. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of this Policy.

D. Findings of the Investigation

Upon completion of the investigation, the University will inform the Complainant and the Respondent of the results of the investigation and, to the extent appropriate, any remedial action to be taken.

If it is determined that the terms of this Policy have been violated, the University will take steps designed to prevent re-occurrence of the offending conduct, including potential disciplinary action against the offending party.

The University recognizes that in some cases, despite an investigation, it may be impossible to determine whether the alleged violations of this policy have in fact occurred. In such cases, the University may take non-disciplinary action designed to reinforce the effectiveness of this policy and to prevent future violations.

Once the University has addressed concerns raised with respect to discrimination and/or harassment, it will assume that the problem is not continuing in nature unless it is informed otherwise. Members of the University Community who believe they have again been discriminated against and/or harassed in violation of this policy must report this re-occurrence immediately pursuant to this Policy.

E. Appeal Rights of Parties

The University offers to both parties appeal rights from a determination regarding responsibility. Appeals must be grounded in one or more of the following rationales:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility was made has come to light that could affect the outcome of the matter; and/or
- The Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual parties in particular, and that bias affected the outcome of the matter.

Appeals must be submitted in writing to the Responsible Officer or their designee within five (5) business days of the date the appealing party was notified of the outcome of the investigation. The Responsible Officer or their designee shall provide notice of the appeal to the non-appealing party, who has five (5) days to submit a written response to the appeal which addresses solely the ground(s) alleged for the appeal. The non-appealing party shall be limited to one and only one written response to the appeal.

Upon receipt of the non-appealing party's response to the appeal, the Responsible Officer or their designee will submit the appeal and the non-appealing party's response to the Appeal Officer, who shall not be the same individual who issued the Finding of Responsibility.

- The Appeal Officer for matters with staff Respondents is the Chief Human Resources Officer or their designee.
- The Appeal Officer for matters with faculty and postdoctoral scholar/fellow Respondents is the Vice Provost for Faculty Affairs or their designee.
- The Appeal Officer for matters with student Respondents is the Dean of Students.
- The Appeal Officer for all other respondents is the Vice President and Chief Compliance Officer.

The Appeal Officer's review will be based only on the written record and will not include meetings or discussions with the parties or personnel directly involved in the investigation. Therefore, the appealing party should include any supporting documents with their written appeal. The Appeal Officer may consult with the Responsible Officer regarding matters of procedure, as appropriate.

The Appeal Officer will issue a final written decision to both parties and the Responsible Officer describing the result of the appeal and the rationale for the result. The decision of the appeal officer is final.

F. Disciplinary Action

Any employee who is determined, after the investigation and any appeal, to have engaged in discrimination and/or harassment in violation of this policy will be subject to discipline, up to and including termination of employment pursuant to the Progressive Discipline Policy. Discipline of a member of the resident faculty will be initiated through the disciplinary procedures specified in Sections VII and VIII of the *Statement on Academic Freedom, Responsibility, and Tenure* (the "Blue Book"). Discipline of all other employees, including staff, will be imposed pursuant to the University's Progressive Discipline Policy.

Any student who is determined, after an investigation, to have engaged in discrimination and/or harassment in violation of this policy will be subject to discipline, up to and including expulsion. Discipline shall be imposed by the Dean of Students (or designee).

VI. Miscellaneous

A. Related Policies

Pregnancy and Parenting Non-Discrimination Policy
Student Code of Conduct
The Statement on Academic Freedom Responsibility and Tenure
Title IX Policy
Progressive Discipline Policy

This policy is not a contract. The University of Tulsa reserves the right to modify, revise, rescind or grant exceptions to this policy.

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