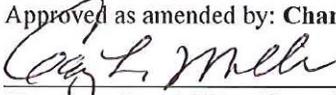




Approved as amended by: <b>Chancellor's Cabinet</b>  Signature: Gary Miller, Chancellor Date: <u>3/28/2017</u>
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Amended 11-16-2021 for compliance with RPD 14-6

## HARASSMENT AND DISCRIMINATION POLICY

### GB-50-17-1

#### I. STATEMENT OF POLICY

The University of Wisconsin-Green Bay is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment-an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Discrimination against or harassment of any member of the University community based upon race, color, religion, sex, sexual orientation, gender and/or gender identity or expression, marital or parental status, genetic information, national origin, ethnicity, citizenship status, veteran or military status (including disabled veteran, recently separated veteran, other protected veteran, or Armed Forces service medal veteran status), age, disability, use or nonuse of lawful products off the employer's premises during nonworking hours, declining to attend a meeting or participate in any communication about religious matters or political matters, or any other category protected by law, and any other legally protected basis is prohibited by law and undermines the character and purpose of the University. Such harassment and/or discrimination is illegal and against University policy and will not be tolerated.

This policy covers all members of the University community and those who affect the University community such as vendors or visitors. The University encourages everyone to report all incidents of harassment regardless of who that offender may be.

#### II. DEFINITION OF PROHIBITED HARASSMENT AND DISCRIMINATION

- A. Discrimination is conduct that adversely affects any aspect of an individual's employment, education, or participation in an institution's activities or programs, or has the effect of denying equal privileges or treatment to an individual on the basis of one or more characteristics of that individual's protected status or category as defined herein.
- B. Prohibited discrimination occurs when an individual is treated less favorably with respect to the terms and conditions of employment or education, or with respect to the individual's receipt of employment or educational benefits, because of his or her membership in a protected class. Accordingly, all employment-related decisions including, but not limited to decisions relating to recruitment, hiring, promotion, transfers, benefits and any other terms and conditions of employment, will be based only on valid job requirements and made without regard to the employee's or applicant's race, color, religion, national origin, gender identity, sex, sexual orientation, marital status, pregnancy, age, physical disability, mental disability, medical condition, covered veteran status, or other characteristic protected by federal or state law. Similarly, all



education- related programs and activities, including, but not limited, to admissions, financial aid, academic programs, research, housing, athletics, and other extracurricular activities will be administered without regard to the student's or applicant's race, color, religion, national origin, sex, sexual orientation, age, physical disability, mental disability or other characteristic protected by federal or state law.

C. *Discriminatory Harassment* is a form of discrimination consisting of unwelcome verbal, written, graphic or physical conduct that:

1. Is directed at an individual or group of individuals on the basis of the individual or group of individuals' actual or perceived protected status, or affiliation or association with person(s) within a protected status (as defined herein above); and
2. is sufficiently severe or pervasive so as to interfere with an individual's employment, education or academic environment or participation in institution programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, offensive or hostile.

To constitute prohibited harassment, the conduct must be both objectively and subjectively harassing in nature. Harassment may include but is not limited to verbal or physical attacks, threats, slurs or derogatory or offensive comments that meet the definition set forth herein. Harassment does not have to be targeted at a particular individual in order to create a harassing environment, nor must the conduct result in a tangible injury to be considered a violation of this policy. Whether the alleged conduct constitutes prohibited harassment depends on the totality of the particular circumstances, including the nature, frequency and duration of the conduct in question, the location and context in which it occurs and the status of the individuals involved.

D. Individuals are specifically prohibited from using institution technology (computers, e-mail systems, voice mail systems, and webpages) in any manner that would constitute prohibited discrimination.

### III. RESPONSIBILITY TO REPORT

All members of the University community should report incidents of harassment or discrimination in order to support the University policy.

In order to assure the University is free of prohibited harassment and discrimination, University officers, deans, department heads, faculty members, directors and supervisors are required to report all incidents of harassment and discrimination that they may have witnessed or have been advised of.

The most appropriate recipients of reports are:

1. Dean of Students if the alleged harasser or prohibited conduct is by a student;
2. The Office of Human Resources if the alleged harasser or prohibited conduct is by an employee, including a student employee; and
3. The Office of Human Resources if the alleged harasser or prohibited conduct is by a visitor, vendor or other third-party.



It is not always easy to interpret words or actions that may be ambiguous and one may think are inappropriate. Therefore, the offices noted above are available to discuss the circumstances and address matters before they become severe or pervasive.

If a report is made to any of these offices, and that is not the appropriate office to receive the report, it becomes the responsibility of that office to forward the report to the appropriate office. If any of the persons at these offices is implicated, or if a conflict of interest arises, the report should be made to the Office of Human Resources. If that office is implicated, the report should be made to the Vice Chancellor for Business and Finance.

#### **IV. REPORTING A HARASSMENT AND/OR DISCRIMINATION COMPLAINT**

All individuals who believe they have been harassed or discriminated against should file a complaint with the appropriate individuals or offices cited above. Verbal complaints should be put in writing by either the complainant or the individual who receives the complaint in order to preserve an accurate record. The written complaint should identify the parties involved; describe the harassing behavior; when and where it occurred; and identify by name or description any witnesses. Students, employees and student organizations shall be provided the process set forth in existing grievance and disciplinary procedures as applicable

Complaints should be promptly reported so that appropriate action may be taken in a timely manner. However, the late reporting of complaints does not prevent appropriate remedial action. Student complaints must be filed not more than 300 days after the event which gave rise to the complaint.

Any conduct that may be in violation of this policy will be investigated, regardless of whether a complaint is filed and appropriate remedial action will be initiated. "Complainants working under state or federal grants may have additional complaint rights and should contact the Office of Human Resources for assistance.

#### **V. CONFIDENTIALITY**

The University has a duty to respond to allegations of discrimination (including sexual harassment) and therefore cannot guarantee absolute confidentiality once allegations are disclosed to university officials. The confidentiality of information disclosed during the course of investigations or informal resolution efforts will be respected to the extent feasible and practical. This means that information about the complaint is shared only with those individuals within the University community who "need to know" in order to effectively investigate and/or resolve the complaint. Parties with a need to know may include witnesses or university officials who need to be informed of the complaint in order to cooperate with an investigation or to implement resolution. These parties will be advised that they should keep the information confidential in the best interests of all parties.

#### **VI. INVESTIGATION AND DISPOSITION OF THE COMPLAINT**

All complains of specific incidents of alleged discrimination and discriminatory harassment will be investigated on a case by case basis. Effort shall be made to complete the investigation of a complaint within thirty (30) days of the report of the complaint. Extensions of the time frame may be necessary in some circumstances.



The investigator will conduct a prompt, thorough, and impartial investigation of the complaint in the manner he or she deems necessary. The parties to the complaint will each have an opportunity to be heard during the investigation. The parties will also be informed of the status of the investigation as deemed appropriate. The investigation process is strictly internal to UW-Green Bay, so the presence of legal counsel or third parties is not permitted at any stage of the process unless otherwise required by law. If it is determined that a violation of the University's policy has occurred, prompt remedial action shall be taken. The nature of the remedial action and the process for its implementation will depend upon the particular facts and circumstances. If remedial action involves the imposition of sanctions, appropriate disciplinary procedures will be used. Sanctions imposed may be appealed through the appropriate appeals process. The findings and intended actions shall be communicated to the complainant and the alleged respondent. Any final decision made by the Chancellor or Dean under this procedure may be appealed to the Board of Regents of University of Wisconsin System as permitted under sec. 36.12(2)(b) Wis.Stats.

If it is determined that no violation has occurred, such findings shall be communicated to the complainant and the alleged respondent. If the results of an investigation show that the complainant knowingly filed false accusations of harassment or discrimination, or that a witness gave false statements, such individuals will be subject to the appropriate disciplinary action.

## VII. RETALIATION PROHIBITED

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have filed a complaint, reported harassment or discrimination, or otherwise assisted with a protected investigation. This prohibition extends to the exercise of rights under any federal or state law protecting veterans.

The University will take every step necessary to protect the complainant and any witnesses against retaliation for reporting the harassment or discrimination or for participating in the investigation of a complaint. Any employee, faculty member, or student who retaliates against an individual who complains of harassment or discrimination, witnesses' harassment, or participates in the investigation of a harassment or discrimination complaint violates University policy and may be subject to sanctions. Complaints of retaliation should be reported as violations of this policy.

## VIII. SEXUAL MISCONDUCT

UW- Green Bay is committed to creating and maintaining a community environment that is free from relationship violence and harassment. UW-Green Bay maintains a [Sexual Misconduct Policy](#) that prohibits acts of relationship violence and sexual harassment. The university is committed to educating its community and promptly and effectively respond to and redress conduct that violates such policy. Please see the [full policy](#) for information and resources to identify, report, and respond to relationship violence and sexual harassment.

## IX. CONSENSUAL RELATIONSHIPS

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic relationships in situations where one individual has greater power or authority over another or where conflicts of interest exist frequently result in claims of harassment. Employees are responsible for reporting the existence of such relationship to Human Resources and their immediate supervisor so appropriate arrangements are made for objective decision making. Please review UW-Green Bay's [Consensual and Familial Relationship Policy](#) for further information.

## X. EDUCATION



# UNIVERSITY of WISCONSIN-GREEN BAY

The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Training will be made available on a regular basis.

## **XI. RELATED POLICIES AND INFORMATION**

[RPD 14-6](#)

[UW-Green Bay Policy on Violence and Threats](#)

[UW-Green Bay Sexual Misconduct Policy](#)

[UW-Green Bay Civility and Inclusivity Statement](#)

[UW-Green Bay Consensual and Familial Relationship Policy](#)

[UW-Green Bay Student Policy on Complaints and Grievances](#)

[Dean of Students: Report an Incident Information](#)

[UW-Green Bay Faculty Handbook](#)

[UW-Green Bay Employee Handbook Academic and University Staff](#)

[UW System Code of Ethics](#)