



DISCRIMINATION, HARASSMENT, AND RETALIATION POLICY

PURPOSE: To provide an educational and working environment free of unlawful discrimination, harassment, and retaliation for all members of the University community and to establish a complaint resolution procedure to help identify and eliminate such behavior and to resolve such complaints in a fair and timely manner.

POLICY: It is the intent of Upper Iowa University (UIU) to review and resolve complaints of discrimination by any member of the University community, including faculty, staff, students, and visitors. Each supervisor has a responsibility to maintain the workplace free of discrimination. This duty includes discussing this procedure with all employees and assuring them that they are not to endure discrimination and that false accusations will result in disciplinary action up to and including termination. For employee-related complaints, the Director of Human Resources or designee will be responsible for maintaining records of all formal complaints and the results of such complaints. For student-related complaints, the Dean of Students or designee will be responsible for maintaining records of all formal complaints and the results of such complaints.

Title VII of the Civil Rights Act of 1964 protects individuals against discrimination on the bases of race, color, national origin, sex, and religion. UIU, in accordance with applicable federal and state law (including Title VII) and institutional values, prohibits discrimination or harassment on the basis of race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity. All personnel actions, including recruitment, employment, training, upgrade, promotion, and demotion, termination, and salary administration are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

Complaints of discrimination based upon sex related to sexual harassment and/or sexual misconduct are governed by the University's [**Title IX: Sex/Gender-Based Discrimination & Sexual Misconduct Policy.**](#)

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1. Definitions

- a. **DISCRIMINATION** -- Defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity.
- b. **HARASSMENT** -- A form of discrimination that is defined as oral, written, graphic, or physical conduct that is directed at an individual or group because of race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or that creates an academic or work environment that a reasonable person would find hostile, intimidating, or abusive. This conduct can include technology-based communications such as texting, online classroom chats, or social networking sites.
- c. **RETALIATION** – This is conduct that is directed against any individual or group reporting discrimination or otherwise involved with this policy. Retaliation may include, but is not limited to, intimidation, harassment, reprisal, or other negative changes in education or employment.

2. Reporting

A person who believes that he or she has been subjected to any type of discrimination should report the incident to the appropriate University official, administrator, or supervisor. Students are encouraged to report such incidents to the Dean of Students or designee. Employees and visitors are encouraged to report to the Director of Human Resources or designee. Incidents should be reported as soon as possible after the time of their occurrence. No person is required to report discrimination to the alleged offender. Every attempt should be made to keep the information confidential and restricted to only those who have an absolute need to know. A person who makes a complaint should be advised that principles of fairness may require disclosure to the alleged harasser, who shall be warned against retaliation upon pain of disciplinary action in accordance with Section 5e of this procedure. Another reporting option is Lighthouse reporting, which may be anonymous. Lighthouse may be reached on their web site, which is www.lighthouse-services.com/uiu, by phone at 833-350-0022, or by email at reports@lighthouse-services.com (UIU must be identified in the email).

The Human Resources office is located on the first floor of the Alexander Dickman Building at 605 Washington St, Fayette, IA 52142. The main Human Resources phone number is (563) 425-5959. The Dean of Students office is located on the second floor of the Student Center at 605 Washington, Fayette, IA 52142. The main Dean of Students phone number is (563) 425-5215.

3. Procedure for Resolving Complaints

Any student, staff employee, or faculty member who feels he/she is the victim of discrimination should follow these steps:

a. *INFORMAL COMPLAINT*

All complaints will be considered informal until they are filed in writing. A person who believes he/she is the victim of discrimination is encouraged to seek an informal resolution as follows:

[STEP ONE]

In circumstances where it is perceived that personal safety or employee/student status is not in jeopardy, the offended individual should clearly communicate to the offender that the behavior is unwelcome and must cease immediately.

[STEP TWO]

- (1) If Step One fails or is deemed inappropriate, the complainant should report the incident(s) to the Director of Human Resources. Students may report student on student incidents to the Dean of Students, who will then handle the complaint, whether informal or formal, in accordance with student conduct procedure as stated in the [Student Handbook](#).
- (2) The Director of Human Resources will meet with the complainant to determine the extent of the alleged discrimination.
- (3) The evidence presented by the complainant will be reviewed by the Director of Human Resources to determine if there is cause to believe that a discrimination violation occurred.
- (4) If in the judgment of the Director of Human Resources a violation did not occur, the complainant will be so advised and given an oral explanation of why the incident(s) described does not constitute discrimination.
- (5) If the complainant does not agree with the Director of Human Resource's judgment as stated above, the complainant will be given the opportunity to file a formal written complaint.

- (6) If the Director of Human Resources has cause to believe that discrimination did occur, the Director will give the complainant the option to file a formal complaint or to continue to pursue an informal resolution.
- (7) If the complainant chooses to continue the informal procedure, the Director of Human Resources will notify the person being accused that an informal complaint has been filed against him/her and that the complainant wishes to seek an informal resolution to the problem. The Director of Human Resources will offer the accused an opportunity to confirm or rebut the charge. The Director of Human Resources then meets with both parties together or independently and will try to reach a mutually agreeable resolution.
- (8) If a resolution is not achieved, the complainant will be given the opportunity to file a written formal complaint.

b. FORMAL COMPLAINT

To be considered a formal complaint, the complaint must be submitted to the Director of Human Resources in writing. Appeals must be filed within five (5) working days of receiving an answer and each step should be completed within ten (10) working days. The complaint should contain the following information:

- Name of the complainant;
- Contact information, including address, telephone number, email address;
- Name of person(s) directly responsible for alleged violation(s);
- Date(s) and place(s) of alleged violation(s);
- Nature of alleged violation(s) as defined in this procedure;
- Detailed description of the specific conduct that is the basis of alleged violation(s);
- Copies of documents pertaining to the alleged violation(s);
- Names and contact information (if known) of any witnesses to alleged violation(s);
- Action requested to resolve the situation;
- Complainant's signature and date of filing;
- Any other relevant information.

[STEP ONE]

- (1) The Director of Human Resources will, as determined necessary, investigate and/or review with pertinent parties the written complaint.
- (2) If the Director of Human Resources does not feel there is cause to believe that discrimination occurred, he/she will so advise the complainant in writing stating the reason for his/her decision.
- (3) If the Director of Human Resources feels there is cause to believe that discrimination did occur, he/she will notify the accused that he/she has been formally charged with discrimination and will give him/her a copy of the complaint. The Director of Human

Resources will give the accused the opportunity to confirm or rebut the charge in writing. The Director of Human Resources will then meet with both parties either together or separately and will try to reach a mutually agreeable resolution.

[STEP TWO]

If a solution is not reached in Step One, the Director of Human Resources and the member(s) of the President's Council to whom the accused, or the accused and the complainant, report, will meet with both parties, either together or separately, to review both sides of the issue. They will then mutually agree on a resolution which will be communicated in writing to both parties. Both parties will be instructed by the member(s) of PC to comply with the terms of the resolution.

[STEP THREE]

- (1) The decision of the member(s) of PC may be appealed by either party to the President by submitting a written statement to the Director of Human Resources. The appeal must include the basis of the appeal and the remedy sought.
- (2) The President will take whatever action she/he determines appropriate to resolve the complaint. The President's decision will be final and binding.

4. General Provisions

- a. **TIMELINES** -- The deadlines specified herein may be extended by the Director of Human Resources. A request for extension must be submitted in writing at least one (1) day before the deadline and must include the reason for the request.
- b. **TRANSFER OF FUNCTION** -- If a complaint, whether informal or formal, is directed against a member of the President's Council, the functions assigned to the person by these procedures will transfer to the President or her/his designee. If a complaint is directed against the President, the Chair of the Board of Trustees of UIU shall perform the necessary functions or assign them to a Board member.
- c. **RESORT TO OTHER PROCEDURES** -- If prior to filing a complaint hereunder or while a formal complaint proceeding is in progress, a complainant seeks resolution of the complaint in any other forum, whether administrative or judicial, the University shall have no obligation to entertain or proceed further with the complaint pursuant to this complaint procedure.
- d. **RIGHT TO ADVISOR** -- The complainant and the respondent each have the right to bring an advisor to the meeting. The advisor may not act as a participant in the meeting, but may render consultation to the advisee. If either party chooses to exercise this option, he/she shall submit the name of the advisor in writing to the Director of Human Resources at least forty-eight (48) hours prior to the meeting.

e. RETALIATION PROHIBITED – UIU encourages reporting of discrimination and will not discipline any individual (or group) who makes a good faith report of discrimination. Anyone who believes that they have been retaliated against for their participation under this policy is encouraged to file a complaint, which will be processed under this policy as a separate matter from the originally filed discrimination complaint, if any. Anyone found responsible for retaliation will be subject to disciplinary action, up to and including termination or expulsion.

f. SANCTIONS -- University sanctions for violations of this procedure may include any disciplinary action, up to and including termination of employment for faculty or staff or suspension or expulsion for students. Official governmental investigations by the Equal Employment Opportunity Commission, the Iowa Commission on Human Rights, and/or the Office of Civil Rights of the Department of Education, as well as litigation, may result from the behaviors proscribed by this policy.