

Policies: Discrimination, Harassment, and Retaliation Policy

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It is the policy of the UW-Eau Claire to maintain an academic and work environment free of discrimination, discriminatory harassment, and retaliation for all students and employees. This policy applies to all programs and activities, and employment practices and operations including the conduct of all students and employees arising out of their employment, educational or academic status, as well as to the conduct of all guests, visitors, vendors, contractors, subcontractors and others who do business with UW-Eau Claire. Prospective and current students, student organizations, job applicants, and employees will be informed of policies and procedures regarding discrimination, discriminatory harassment, and retaliation. File a complaint [here](#) (https://cm.maxient.com/reportingform.php?UnivofWisconsinEauClaire&layout_id=13).

Policy

Discrimination or discriminatory harassment based upon individual characteristics protected under institution policy, state law or federal law (protected status) is prohibited. In addition, any form of retaliation against students or employees will not be tolerated.

Prohibited Discrimination and Discriminatory Harassment Against Students

No student may be denied admission to, or participation in or the benefits of, or be discriminated against in any service, program, course or facility on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ancestry, disability, pregnancy, marital or parental status, or any other category protected by law, including physical condition or developmental disability as defined in Wisconsin Statutes §51.01(5).

Prohibited Discrimination and Discriminatory Harassment Against Employees

No employee may be discriminated against on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ancestry, disability, pregnancy, marital or parental status, genetic information, arrest record, conviction record, military service, veteran status, 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. This provision includes employment-related actions, such as recruitment, interviewing, testing, screening,

selection, placement, classification, evaluation, transfer, promotion, training, compensation, fringe benefits, layoffs, and /or dismissal.

Definitions

Discrimination

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.

Discriminatory Harassment

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

- 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, and
- 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.

Prohibited discriminatory harassment may include but is not limited to verbal or physical attacks, threats, slurs, or derogatory or offensive comments. Conduct need not be targeted at a particular individual or result in tangible injury to constitute discriminatory harassment. To constitute prohibited harassment, conduct must be both objectively and subjectively harassing. Whether the conduct constitutes harassment depends on the totality of the circumstances; including the nature, frequency, duration, location, and context of the conduct; as well as the status of the individuals involved.

Retaliation

Retaliation is adverse action taken against an individual in response to, motivated by, or in connection with a complaint of discrimination or discriminatory harassment; participation in an investigation of such complaint; and/or opposition of discrimination or discriminatory harassment in the educational or workplace setting.

Complaint Procedure

Any person who believes they have been subject to activity prohibited by this policy should contact the Affirmative Action Office. Inquiries will be reviewed on a case-by-case basis with due consideration given to protection for freedom of speech, freedom of expression, and academic freedom.

Applicability

This procedure applies to discrimination, harassment, and retaliation complaints by and against UW-Eau Claire employees, students, and affiliates. Retaliation against an individual for filing a complaint of discrimination or harassment or participating in the process is prohibited.

Informal Resolution

To the extent practical, efforts should be made to resolve complaints informally among the parties involved. Employees and students may at any time seek advice and assistance on informal resolution from the Affirmative Action Officer (AAO) (212 Schofield Hall, [715-836-2387](tel:715-836-2387), affirm01@uwec.edu (<mailto:affirm01@uwec.edu>)), who may assist with a negotiated resolution either before or after a formal complaint is filed.

Formal Complaint

Should informal resolution be unsuccessful, a complaint may be filed with the AAO. Complaints must be initiated by filing in writing with the AAO within 300 calendar days after the complainant knew or reasonably should have known of the occurrence, event, or omission out of which the complaint has arisen. **An individual who does not comply with the time limits in this policy shall be barred from further pursuit of the complaint process.**

Initial Review by Affirmative Action Officer

The AAO will review the complaint and will notify complainant within 20 calendar days of receipt of the complaint whether the complaint will be investigated, referred to another office or individual, or dismissed (if the complaint is untimely or without sufficient basis to warrant investigation).

Investigation

The AAO will gather and consider evidence in order to investigate the complaint. Information needed may include interviews with the complainant, respondent, and any witnesses; written statements and communications; and documents such as personnel or academic files policies and procedures. The AAO will typically complete the investigation within 60 days.

Confidentiality

Where possible, confidentiality will be maintained. However, certain disclosures may be necessary to ensure a thorough investigation in compliance with the law and university regulations. In addition, university records may be subject to release under the Wisconsin Public Records Law.

AAO Report

At the conclusion of the investigation, the AAO will prepare written findings and submit them to the Chancellor with a copy to relevant supervisory employees, the complainant, and the respondent (if any).

- Where the AAO finds insufficient evidence of discrimination or harassment, the complaint will be dismissed.
- Where the AAO finds sufficient evidence of discrimination or harassment, the AAO will work with appropriate university officials in formulating a recommendation, which will be submitted to the Chancellor for consideration and decision. The Chancellor's decision, which may include specific actions or recommendations for discipline, is final within the institution.

Appeal

A finding of insufficient evidence by the AAO (prior or subsequent to investigation) may be appealed to the Chancellor, by submitting in writing the reasons for the appeal within 15 calendar days of the AAO's dismissal. A

student complainant may appeal the Chancellor's ruling to the Board of Regents.

Rights of Individuals Disciplined

Individuals disciplined as a result of this procedure retain applicable rights and procedures with regard to the disciplinary action.

Additional Venues

Information about discrimination or harassment complaints in other venues is available:

- U.S. Equal Employment Opportunity Commission: www.eeoc.gov (<http://www.eeoc.gov/>)
- Wisconsin Department of Workforce Development, Equal Rights Division: <https://dwd.wisconsin.gov/er/> (<https://dwd.wisconsin.gov/er/>)
- U.S. Department of Education: www.ed.gov (<http://www.ed.gov/>)