

University of Wisconsin-Stout Policy

DISCRIMINATION, HARASSMENT, AND RETALIATION

Policy No. 90-61

Date: 2/20/1990

Rev: 8/1/2022

Rev: 11/7/2018

Rev: 1/13/2020

Rev: 5/24/2022

1.0 STATEMENT OF POLICY

The University of Wisconsin-Stout 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 based on ability and performance. In the application of this policy, due consideration will be given to the protection of individual rights to freedom of speech and expression. 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 discrimination, harassment, and retaliation, regardless of who the offender may be.

2.0 DEFINITIONS

2.1 **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 based on one or more characteristics of that individual's protected status or category as defined herein.

2.2 **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 based on the individual's or group of individuals' actual or perceived protected status, or affiliation or association with person(s) within a protected status (as defined herein); and
2. Employee standard: is sufficiently severe or pervasive that it interferes with an individual's employment and creates a working environment that a reasonable person would find intimidating, offensive, or hostile.
3. Student peer-to-peer standard: is sufficiently severe, pervasive, and objectively offensive that it interferes with an individual's education, academic environment, or participation in institutional programs and activities and creates a 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. Subjective harassment means that the conduct was unwelcome. Objective and subjective 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 an individual 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 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

- 2.3 **Retaliation** is adverse action taken against an individual in response to, motivated by, or in connection with an individual's 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.

3.0 RESPONSIBILITY TO REPORT

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

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

The most appropriate recipients of reports are:

1. Dean of Students if the alleged prohibited conduct is by a student;

2. The Office of Human Resources if the alleged prohibited conduct is by an employee, including a student employee; and
3. The Office of Human Resources if the alleged 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. It is also not always easy to understand why one's words or actions are unwelcome. 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 are 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, Finance and Administrative Services or to the provost and vice chancellor for Academic Affairs.

4.0 REPORTING A HARASSMENT AND/OR DISCRIMINATION COMPLAINT

All individuals who believe they have been harassed or discriminated against should file a written complaint with the appropriate individuals or offices cited above. The written complaint should identify the parties involved, describe the harassing behavior, indicate when and where it occurred, and identify by name or description any witnesses.

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 complainants must file a complaint with the university within 300 days of the alleged violation.

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.

5.0 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 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" 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 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.

6.0 INVESTIGATION AND DISPOSITION OF THE COMPLAINT

Every effort shall be made to complete the investigation of a complaint within 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 they deem 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.

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 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.

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.

7.0 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 is in violation of University policy and is subject to appropriate disciplinary procedures. Complaints of retaliation should be reported as violations of this policy.

8.0 SEXUAL MISCONDUCT

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

9.0 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. Consensual relationships that might be appropriate in other circumstances are not appropriate when they occur between (1) an employee of the university and a student over whom the employee has or potentially will have supervisory, advisory, evaluative, or other authority or influence or (2) an employee of the university and another employee over whom the employee has or potentially will have supervisory, advisory, evaluative, or other authority or influence. Even where negative consequences to the participants do not result, such relationships create an environment charged with potential or perceived conflicts of interest and possible use of academic or supervisory leverage to maintain or promote the relationship. Romantic or sexual relationships that the parties may view as consensual may still raise questions of favoritism, as well as of an exploitative abuse of trust and power. Please see the Board of Regents [Consensual Relationships policy](#) for information on responsibilities and prohibited behavior.

10.0 EDUCATION

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.

11.0 USE OF TECHNOLOGY

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

12.0 RELATED POLICIES AND INFORMATION

- UW-Stout Policy 91-53, Sexual Harassment Policy
- The Faculty/ Academic Staff/Limited Appointees Handbook
- The University Staff Handbook
- Regent Policy 14-2, Sexual Violence and Sexual Harassment
- Regent Policy 14-3. Equal Opportunities in Education: Elimination of Discrimination Based on Gender
- Regent Policy 14-5. Measures to Alleviate Racism
- Regent Policy 14-6, Discrimination, Harassment, and Retaliation
- Regent Policy 14-8, Consensual Relationships
- Regent Policy 14-10. Nondiscrimination on Basis of Disability

Return to [Sequential Index](#).

If you have questions or comments, email parq@uwstout.edu