

## WORKPLACE ANTI-DISCRIMINATION, HARASSMENT AND RETALIATION POLICY

The University of Louisiana at Monroe (ULM) is committed to offering all employees, students and visitors, a campus environment free from all forms of harassment, discrimination, and retaliation. All members of the University community should be treated with dignity and fairness without being subjected to conduct which stifles productivity and hinders academic and professional involvement.

This workplace policy<sup>1</sup> applies to all ULM employees regardless of position, status, or authority. This includes classified and unclassified employees, fulltime, part-time, seasonal, and temporary employees; as well as equally applicable to appointing authorities, executive management, administrators, directors, managers, supervisors, staff, student employees, and interns. All such employees will be held accountable for compliance with this policy and any violation of this policy may lead to disciplinary action. In keeping with ULM's intention and duty to maintain a work environment free of discrimination, harassment, and retaliation, this policy also applies to non-employees, including visitors and individuals who transact business with ULM such as vendors, clients, consultants, contractors, and maintenance personnel. These non-employees are prohibited from engaging in the behavior prohibited by this policy, and also are prohibited from experiencing such behavior by ULM employee. Every member of the University community is hereby notified that discrimination, harassment, and retaliation may subject an individual not only to institutional discipline, but also personal liability.

The University of Louisiana at Monroe has adopted the procedures outlined hereinafter to promptly and fairly investigate and resolve complaints of harassment, discrimination, and retaliation. Complaints may be submitted informally or formally. Appropriate action will be taken to examine impartially and resolve promptly any complaint. Additionally, anyone requesting more detailed information regarding the *Workplace Anti-Discrimination, Harassment and Retaliation Policy* can receive general information regarding this policy without initiating an actual complaint.

### DEFINITIONS

Complaint: allegations of discrimination, harassment and/or retaliation, filed in good faith and in accordance with established procedures.

Discrimination: inequitable treatment of an individual based on his or her protected status or characteristics rather than individual merit.

Harassment: unwelcome conduct directed against a person based on one or more of an individual's protected status or characteristics which is so severe or pervasive that it creates an intimidating, hostile or offensive environment.

Protected Status: age, gender, race, color, religion, national origin, disability, genetic information, veteran or retirement status.

Additionally, state law and the University of Louisiana System (ULS) system prohibit discrimination harassment and retaliation on the basis of pregnancy, childbirth, and related medical conditions, sickle cell trait and sexual orientation. ULM complies with federal and state laws as well as ULS policy.

Retaliation: adverse action taken against an individual as the result of a complaint of discrimination

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<sup>1</sup> This policy broadly addresses workplace discrimination, harassment and retaliation. Anyone seeking information about student-on-student (or peer) discrimination, harassment or retaliation should review the ULM Student Code of Conduct.

or harassment or an individual who may have participated in an investigation of discrimination or harassment.

## **DISCRIMINATION**

Discrimination in the workplace or learning environment involves taking adverse action against, or granting preferential treatment to (reverse discrimination), an individual because of his or her protected status. Discriminatory practices include retaliation against an individual for filing a claim of discrimination or participating in an investigation.

Protected activity covers a wide spectrum of conduct. Generally, this involves taking some action that is protected by state or federal laws. Individuals may state their opposition to a specific practice or activity which they believe constitutes discrimination. An individual claiming retaliation does not necessarily need to be the person engaged in the opposition.

## **HARASSMENT**

Harassment consists of unwelcome and objectively offensive, physical, verbal or nonverbal conduct that unreasonably interferes with an individual's work or educational activities and/or creates an intimidating, hostile or offensive environment. Such conduct and harassment behavior is specifically prohibited by the university.

Harassment does not refer to occasional compliments of a socially acceptable nature.

Examples of harassment include:

- Verbal threats, offensive jokes, epithets, derogatory comments, ridicule, mockery or slurs;
- Derogatory visual displays such as posters, photographs, cartoons, drawings or gestures;
- Unwanted physical contact such as touching, intimidation or blocking normal movement.

Part or all of a complaint filed under this policy and contains allegations of sexual misconduct will be addressed in the [Sexual Misconduct Policy](#) and resolved accordingly. Portions of a complaint that do not constitute sexual misconduct and are considered workplace harassment, discrimination or retaliation may be simultaneously addressed in accordance with this policy.

**Sexual harassment** is a form of discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature and is explained and addressed through the *Sexual Misconduct Policy*.

## **RETALIATION**

The University will not tolerate any form of retaliation against any employee or student who has a complaint or who participates in an investigation of a complaint about a violation of this policy. Retaliation includes overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy. Retaliation may exist even when the underlying complaint is without merit. Protected individual conduct fall into three broad categories that include: (1) protection from retaliation for conduct in an individual's personal life; (2) raising concerns about workplace issues that relate to protected activity; and (3) cooperating in an investigation, proceeding, or hearing involving protected activity.

See the University of Louisiana System PPM-(12), [Preventing and Addressing Retaliation for a detailed explanation of retaliation.](#)

## **ADVERSE ACTIONS**

Adverse actions may be general or specific actions. Examples of general adverse actions that may be considered retaliatory are denial of promotion, refusal to hire, denial of job benefits, demotion, suspension, and termination. Adverse actions may include threats, reprimands, negative evaluations, salary reductions, change in job assignments, harassment, hostile behavior or attitudes toward the complainant.

## **REPORTING REQUIREMENTS**

Any applicant, employee, student, or other individual who experiences any conduct that he or she believes may constitute harassment, discrimination, or retaliation has an obligation to report it. No individual is required to report or make a complaint of harassment, discrimination, or retaliation directly to the person who is engaging in the problematic conduct.

Any individual who becomes aware of any conduct that he or she believes may constitute harassment, discrimination, or retaliation has a similar obligation to report the conduct regardless of whether he or she is personally involved in the conduct and regardless of whether the conduct involves employees, students, vendors, or others in the academic or work environment.

## **COMPLAINT PROCEDURES**

Complaints, whether informal or formal, should be reported as soon as possible after any alleged discrimination, harassment or retaliation incident has occurred. Although attempts will be made to address all complaints of harassment, discrimination, and retaliation, complaints that are made more than 30 calendar days after the complainant knew or should have known about the alleged conduct will be more difficult or impossible to investigate depending on the facts involved. The complaint should be in writing, signed by the complainant, and include the following information:

1. Details concerning the incident(s) or conduct giving rise to the complaint; and
2. Dates and locations of incident(s); and
3. Any witnesses to the alleged incident(s) or conduct; and
4. Any previous actions of harassment, discrimination, or retaliation reported. If so, to whom and when; and
5. Action requested to resolve the complaint and prevent future violation of the policy.

Informal Complaint: Informal complaints should be made in writing within 10 business days of the date that the complainant knew or had reason to know of the alleged discrimination, harassment, or retaliation. Informal complaints can be made to any of the following:

- The employee's immediate supervisor or next supervisory level if complaint is due to actions of the employee's immediate supervisor,
- Department Head,
- Dean,
- Vice President, or
- Director of Human Resources/EEO Officer

Informal complaints can be resolved through informal meetings (either separate or together) with the complainant, the accused, and the person conducting the informal meeting. The results of an informal complaint should be forwarded to the Director of Human Resources/EEO Officer. In the event a complainant is not satisfied with the results of an Informal Complaint, the complainant may appeal by filing a Level 1 Complaint and begin the Formal Complaint process.

Formal Complaint: Level 1 - Complaints of harassment, discrimination or retaliation should be submitted to the Director of Human Resources Director/EEO Officer within 10 business days of receipt of the results of the Informal Complaint or within 10 business days of the alleged incident if the complainant does not wish to use the informal complaint process. The Director of Human Resources Director/EEO Officer will initiate an investigation and provide a written summary of the outcome of the investigation to both parties within a reasonable timeframe.

Appeal: Level 2 - If either party to a complaint wishes to appeal the Level 1 decision, an appeal should be made in writing within 10 business days of receipt of the written summary of the outcome of the investigation provided by the Director of Human Resources/EEO Officer. The appeal should be sent to the Office of the President of the University who will forward the appeal to the EEO Advisory Committee for a review and determination.

Prior to the EEO Advisory Committee's review, a trained investigator will:

1. Review and investigate the Level 1 complaint;
2. Collect and clarify additional facts about the alleged incident, if necessary;
3. Meet with the complainant and the accused individual, if appropriate;
4. Provide a written report to the EEO Advisory Committee with detailed findings.

## **EEO ADVISORY COMMITTEE**

The EEO Advisory Committee will review (1) the Level 1 complaint, (2) the appeal, (3) the investigator's report and (4) make a determination as to whether the University's *Anti-Discrimination, Harassment and Retaliation Policy* has been violated. The EEO Advisory Committee will provide any recommendations for appropriate action to the President of the University for consideration. The President will review the report submitted by the EEO Advisory Committee and depending upon the nature and severity of the charge(s), approve the recommended action or recommend an alternate resolution.

The accused will be notified of the decisions at each level. The complainant will also be notified of the decisions that directly relate to the complainant, involve general campus-wide changes, or are otherwise required by state or federal law. To protect the rights of both the complainant and the individual accused and to the fullest extent practicable and consistent with a thorough investigation, all complaints will be kept confidential, considering the specific circumstances of the allegations.

## **APPEALS**

Either party may appeal the decision of the University President in accordance with procedures or policies enacted by the Board of Supervisors of the University of Louisiana System.

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