



UW-Stevens Point Board of Regents Policy 14-6

SUBJECT: Discrimination, Harassment, and Retaliation Prevention and Response Policy

Original Issue Date:

Last Revision Date: August 30, 2020

1. Policy Purpose

To provide the University of Wisconsin-Stevens Point employees with a workplace free of all forms of discrimination, harassment, and retaliation. This policy establishes guidelines for prevention and institutional procedures in response to complaints received.

This policy implements, fulfills, and furthers the goals of the Board of Regent and University of Wisconsin System policies and federal and state laws including, but not limited to, Title VII, the Civil Rights Act, Title IX of the Education Amendments, Age Discrimination in Employment Act, Americans with Disabilities Act, Uniformed Services Employment and Reemployment Rights Act, Vietnam Era Veteran's Readjustment Assistance Act, and the Violence Against Women Act, WI Fair Employment Act, and any amendments made to such policies and laws.

This policy applies to:

- all University of Wisconsin-Stevens Point programs, activities, employment practices and operations;
- the conduct of all students, employees, officers, and agents of the University that arises out of their employment, educational, academic, or athletic status; and
- the conduct of third parties, including all guests, visitors, vendors, contractors, subcontractors and others who do business with the University, use the University's facilities, or take part in the University's programs

This policy is not intended to take the place of applicable criminal statutes, civil or criminal proceedings and/or law enforcement actions. All individuals have the right to report suspected criminal conduct to the appropriate law enforcement authorities in addition to any report made pursuant to this policy. The University will provide appropriate assistance, upon request, to those wishing to make such a report. This policy does not limit an individual's right to pursue available legal remedy through federal or state courts, the Equal Employment Opportunity Commission, the Department of Education Office for Civil Rights, the Wisconsin Department of Workforce Development, or any other administrative agency, in addition to or instead of proceeding under this policy.

This policy is not meant to and shall not interfere with individual First Amendment rights to freedom of speech, expression, and academic freedom.

In the event that any provision of this policy is found to conflict with a University of Wisconsin System or the Board of Regents policy or with any state or federal law, the latter policy or law shall govern. In the event that any provision of this policy is found to be in conflict with any other University of Wisconsin-Stevens Point policy and such conflict is not explicitly addressed herein, this policy shall govern.

2. Definitions

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 that individual's protected status or another category as defined in this policy.

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 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, or living 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 assaults, threats, slurs or derogatory or offensive comments that meet the definition set forth in this policy. 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. Sexual harassment is defined under Regent Policy 14-2 and is regulated through existing institutional policies and procedures.

Retaliation is defined as 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 to discrimination or discriminatory harassment in the educational or workplace setting.

3. Policy

UW-Stevens Point strives to:

- Foster an environment of respect for the dignity and worth of all students, employees, and guests of the University;
- Provide an environment which is conducive to the free and open exchange of ideas; and
- Eliminate bias, prejudice, discrimination, and harassment in all forms and manifestations.

It is the collective responsibility of all members of our campus community to create and maintain a safe and inclusive environment free of discrimination, harassment, and retaliation.

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 of the system or its institutions on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ethnicity, 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\(5\)](#).

No employee may be discriminated against on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ethnicity, ancestry, disability, pregnancy, marital or parental status, genetic information, arrest record, conviction record, military service, membership in the National Guard or reserve equivalent, 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.

Federal and state laws, UW System, and UW-Stevens Point policies prohibit retaliation against an individual who reports, assists an individual in reporting, or participates in proceedings involving an allegation of harassment or discrimination. Retaliation under this policy includes threats, intimidation, or adverse employment/academic actions.

Individuals are prohibited from using institution technology (computers, e-mail systems, voicemail systems, and webpages, etc.) in a manner which would violate this policy.

A. Seeking an Accommodation for a Disability

Students interested in requesting an accommodation for a disability should contact the [Disability and Assistive Technology Center](#).

Job applicants and employees interested in requesting an accommodation for disability should contact [Human Resources](#).

B. 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.

Additionally, if an individual believes they have experienced or witnessed conduct prohibited by this policy they may submit an [online report](#) as a first step. The appropriate office will review the complaint and follow-up.

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 Human Resources. If that office is implicated, the report should be made to the Vice Chancellor for Business Affairs.

C. Reporting a Harassment, Discrimination, and/or Retaliation 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.

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.

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 Human Resources for assistance.

D. 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.

E. Interim Measures

While a complaint is pending, the University reserves the right to implement interim or long-term measures on a case-by-case basis to ensure the safety, well-being, and legal rights of any member(s) of the campus community. Interim measures may impact job responsibilities of an employee, an academic program, requirements of a student, or student housing assignments. The final determinations regarding relevant interim measures will be implemented by the leadership of the relevant office or department.

Interim measures are initiated based on information gathered during a report, assessment or intake process, and are not intended to be permanent resolutions. Therefore, they may be amended or withdrawn as additional information is gathered. A complainant or alleged respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader University community, and/or the integrity of the investigative and/or resolution process.

Resources for all individuals involved in incidents of discrimination, harassment, and/or retaliation can be found through the [Human Resources website](#) and the [Dean of Students website](#).

F. Responding to Reports/Complaints

All reports and complaints will be responded to, investigated, and resolved (which may include sanctions) on a case-by-case basis and in compliance with UWS Chapters [4](#), [6](#), [7](#), [11](#), [13](#), [17](#),

and [18](#) and the [UW-Stevens Point University Handbook, Chapter 4, 6, 11, and 13](#). Under this process, student complainants must file a complaint with the institution within 300 days of the alleged violation. Informal resolution may be the initial first step to resolution in accordance with the UWS Chapters listed within this policy. The offices and individuals receiving a report of discrimination, harassment, or retaliation will make every effort to resolve the matter within 30 (thirty) days of the report of the complaint, with consideration to available information and context. Extensions of the time frame may be necessary in some circumstances.

The investigator(s) assigned 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.

The “preponderance of the evidence” standard is the applicable standard in all harassment, discrimination, and retaliation investigation procedures.

Due consideration will be given to the protection of individual First Amendment rights to freedom of speech, expression, and academic freedom.

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 (outlined below in the Appeals section). 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. Anyone who believes that they have been the subject of a false complaint may meet with the Principal Human Resources Officer or Dean of Students to discuss the allegations. 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. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.

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.

Complaints against student employees may result in a combination of responses based on the individual's dual status as a student and an employee. Complaints by students against employees will be referred to Human Resources, which shall be responsible for any further review and investigation. In such cases, the Dean of Students Office will remain involved in the process, as it deems appropriate.

Detailed processes associated with informal and formal investigations of complaints can be found on the [Human Resources website](#) and the [Dean of Students website](#) and UWS Chapters [4](#), [6](#), [7](#), [11](#), [13](#), [17](#), and [18](#) and the [UW-Stevens Point University Handbook, Chapter 4, 6, 11, and 13](#).

G. Rights of Parties

Every complainant and respondent has the following rights:

- to be treated with respect by University officials
- to access available campus support resources
- to have an advisor or advocate
- to refuse to participate in mediation or informal conflict resolution processes, and to be informed of the potential implications of that choice
- to refuse to participate in a formal investigation, and to be informed of the potential implications of that choice
- to be simultaneously informed in writing of: the outcome/resolution of the complaint; the rationale for the outcome; any changes made to the outcome/resolution before it comes final; when the outcome/resolution becomes final; and any available appeal procedures
- any and all other applicable rights set forth in applicable laws or policies

H. Appeals

Appeal processes within UW-Stevens Point follow UWS Chapters [4](#), [6](#), [7](#), [11](#), [13](#), [17](#), and [18](#), the [UW-Stevens Point University Handbook, Chapter 4, 6, 11, and 13](#), and UW-Stevens Point Chapters [17](#) and [18](#).

Students who file a complaint under this policy have the right to appeal the dean's or chancellor's decision to the Board of Regents, as permitted under [s. 36.12\(2\)\(b\), Wis. Stats.](#)

I. Campus Education and Notification

The University, through its relevant offices as listed within this policy, shall notify prospective and current students, student organizations, job applicants and employees of institutional policies and procedures regarding discrimination, discriminatory harassment, sexual violence, and retaliation.

The University will fulfill all applicable requirements for training and education of employees and students pursuant to University of Wisconsin System policy, state law, and/or federal law. Human Resources and the Office of the Dean of Students are the departments primarily responsible for facilitating training and educational programs for discrimination, harassment, and retaliation prevention and reporting. Training and resources will also be provided by UW Shared Services.

J. Conduct Not Covered by this Policy

Consensual romantic and/or sexual relationships between members of the University community are addressed in [Board of Regent Policy 14-8 Consensual Relationships](#).

UW-Stevens Point is committed to creating and maintaining a community environment that is free from relationship violence and harassment. UW-Stevens Point maintains a [Sexual Violence and Harassment Policy](#) which prohibits acts of sexual harassment, sexual assault, stalking, dating violence, domestic violence, and sexual exploitation. 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 sexual violence and harassment.

Offensive or biased language or conduct that does not meet the criteria of discrimination, harassment, or retaliation, and/or is not directed at a person or group on the basis of a protected status, may not be covered by this policy. However, such conduct may be covered by other policies, code(s) of conduct, or handbooks.

Regardless of whether or not disciplinary or punitive measures are available, the University may employ non-punitive measures to address such incidents, including dialogue, education, and conflict resolution efforts, with the goal of maintaining an inclusive educational and workplace environment while also respecting individual rights to freedom of speech and expression.

K. Related Documents

[1989 Wisconsin Act 177 \(c\)](#)

[Wis. Stat. § 940](#)

[Board of Regent Policies – Section 14: Discrimination Prohibited](#)

[UWS Practice Directive EEO A: Accommodations for Individuals with Disabilities](#)

[UWS Practice Directive: EEO B: Discrimination, Harassment, and Retaliation](#)

[UWS Chapter 4: Procedures for Dismissal](#)

[UWS Chapter 6: Complaints and Grievances](#)

[UWS Chapter 11: Dismissal of Academic Staff for Cause](#)

[UWS Chapter 13: Complaints and Grievances](#)

[UWS Chapter 7: Dismissal of Faculty in Special Cases](#)

[UWS Chapter 17: Student Nonacademic Disciplinary Procedures](#)

[UWS Chapter 18: Conduct on University Lands](#)

[UW-Stevens Point University Handbook, Chapter 9: Information and Communication Technology
Online Accessibility Policy and Implementation Plan](#)

[UW-Stevens Point Chapter 4, 6, 11, and 13](#)

[UW-Stevens Point Chapter 14](#)

[UW-Stevens Point Chapter 17](#)

[UW-Stevens Point Chapter 18](#)

[Additional laws and policies](#)

L. Policy History

Original policy issuance date undocumented. This policy was previously three policies: Title IX; Discrimination; and Sexual Harassment.

10/08/2018: Contact information changed.

02/25/2019: Contact information and Title IX Coordinator designation updated.

10/30/19: Updated Title IX Coordinator information.

05/27/20: Updated policy number to align with updated UWS policy numbering and updated several links.

08/30/20: This policy was separated from the Sexual Violence and Sexual Harassment policy due to the Title IX federal regulation updates made during summer 2020. Approved by Chancellor Patterson on 09/01/2020.