



UTAH VALLEY UNIVERSITY
Policies and Procedures

Proposed Policy Number and Title: **165** Discrimination, Harassment, and Affirmative Action

Existing Policy Number and Title: **165** Discrimination, Harassment, and Affirmative Action

Approval Process*		
Regular	X Temporary Emergency	Expedited
New	New	New
Revision	X Revision	Revision
Deletion	Suspension	
	Anticipated Expiration Date: June 25, 2016	

*See UVU Policy #101 *Policy Governing Policies* for process details.

Draft Number and Date: June 16, 2015, Temporary Emergency, Stage 2, Board of Trustees

President's Council Sponsor: Linda Makin **Ext.** _____

Policy Steward: Karen Clemes **Ext.** _____

POLICY APPROVAL PROCESS DATES

<p>Policy Drafting and Revision Entrance Date: <u>05/28/2015</u></p> <p>University Entities Review Entrance Date: <u>Not applicable</u></p> <p>University Community Review Entrance Date: <u>Not applicable</u> Open Feedback: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>Board of Trustees Review Entrance Date: <u>05/28/2015</u> Approval Date: <u>MM/DD/YYYY</u></p>	<p align="center">POST APPROVAL PROCESS</p> <p>Verify:</p> <ul style="list-style-type: none"> Policy Number Section Title BOT approval Approval date Effective date Proper format of Policy Manual posting TOPS Pipeline and Archives update <p>Policy Office personnel who verified and posted this policy to the University Policy Manual</p> <p>Name: _____</p> <p>Date posted and verified: <u>MM/DD/YYYY</u></p>
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POLICY TITLE	Discrimination, Harassment, and Affirmative Action	Policy Number	165
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Individual Rights	Effective Date	
Responsible Office	Human Resources, Academic Affairs, Student Affairs, Office of the President		

1.0 PURPOSE

1.1 To provide a workplace, educational environment, programs, and activities free from unlawful discrimination, harassment, and retaliation in accordance with applicable federal, state, and local law. This policy applies to all persons employed by or affiliated with Utah Valley University in any way and persons participating in any university program or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, participants in any university program or activity, and guests or visitors to a university campus or any property owned or leased by the University.

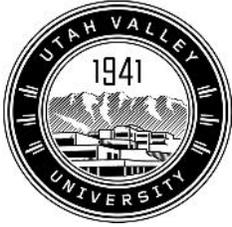
2.0 REFERENCES

- 2.1** UVU Policy 155 *Sexual Harassment and Consensual Relationships and Grievance*
- 2.2** UVU Policy 156 *Grievances*

3.0 DEFINITIONS

3.1 Discrimination: Unfair or unequal treatment of university employees or students in the terms or conditions of employment; university admission or education; access to university programs, services, and activities; or other university benefits or services on the basis of inclusion or perceived inclusion in one or more protected classes.

3.2 Harassment: Any unwelcome physical, verbal, written, electronic, or non-verbal conduct by persons employed by or affiliated with the University in any way or persons participating in any university program or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, participants in any university program or activity, and guests or visitors to a University campus or any property owned or leased by the University toward an employee, student, or other person affiliated with the University based on that person's inclusion in one or more protected classes that is severe or pervasive and that unreasonably interferes with that person's work or academic performance, or creates an intimidating, hostile, or abusive work or learning environment.



3.3 Protected classes: Race, color, religion, national origin, sex, sexual orientation, gender identity, age (40 and over), disability, veteran status, pregnancy, childbirth, or pregnancy-related conditions, genetic information, or other bases protected by applicable federal, state, or local law.

3.4 Retaliation: Intimidation, threats of reprisal, or other materially adverse actions taken against an employee or student of the University, or threats of such materially adverse actions, made by persons employed by or affiliated with the University in any way or by persons participating in any University program or activity against anyone who in good faith opposes discrimination or harassment, reports or files a complaint of discrimination or harassment, or honestly participates or assists in a university-related investigation, hearing, or other proceeding relating to discrimination or harassment.

3.5 Sexual harassment: Unwelcome sexual advances, requests for sexual favors, or other verbal, physical, written, electronic, or non-verbal conduct of a sexual nature by persons employed by or affiliated with the University in any way or persons participating in any university program or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, participants in any university program or activity, and guests or visitors to a university campus or any property owned or leased by the University toward an employee, student, or other person affiliated with the University when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in a university activity;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, or participation in a university activity; or
- 3) Such conduct is sufficiently severe or pervasive and it unreasonably interferes with an individual's employment or educational performance or creates an intimidating, hostile, or abusive environment for that individual's employment, education, or participation in a university activity.

4.0 POLICY

4.1 Utah Valley University prohibits any form of: (a) discrimination based on one or more protected classes, (b) harassment based on one or more protected classes, including sexual harassment, or (c) retaliation. Violations of this policy will be met with appropriate disciplinary action, up to and including termination or expulsion from the University. Disciplinary action, up to and including termination or expulsion from the University, may be taken against an individual who, in bad faith, deliberately makes false or malicious accusations of discrimination or harassment. However, a no-violation finding by the investigator does not in itself constitute proof of a false and/or malicious accusation.

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4.2 Utah Valley University endeavors to provide reasonable accommodations and to ensure equal access to qualified university job applicants, employees, students, or visitors with disabilities and to those with sincerely held religious beliefs requesting religious accommodations, unless doing so would create an undue hardship on the University.

4.3 Utah Valley University affirmatively endeavors to provide equal opportunity consistent with applicable law in all recruitment, admissions, and employment-related activities, procedures, and decisions.

5.0 PROCEDURES

5.1 Administrators, faculty, or staff exercising recruitment, admissions, or employment-related management responsibilities are required to take vigorous and appropriate action to ensure that all university practices and decisions for which they are responsible are made without prohibited discrimination, harassment, or retaliation.

5.2 Administrators, faculty, or staff who witness or become aware of sexual harassment or sexual violence shall promptly report such information to the University's Director of Equal Opportunity and Affirmative Action/Title IX Coordinator. Exemptions to the above reporting requirement exist for licensed mental health counselors or members of the clergy who are working within the scope of their license or religious assignment. Employees with significant responsibilities for student and campus activities who are designated by the University as Campus Security Authorities have additional responsibilities related to the reporting of sexual harassment and sexual violence.

5.3 Employees who supervise other employees, administrators, or faculty who receive a complaint of any kind of protected class discrimination, harassment, or retaliation, or who otherwise witness or become aware of such conduct, shall promptly report such issues to the University's Director of Equal Opportunity and Affirmative Action/Title IX Coordinator.

5.4 Job applicants or employees with qualifying disabilities who are seeking accommodations to help them perform the essential functions of their jobs should contact the ADA Coordinator in Human Resources. Employees who supervise other employees, administrators, or faculty who receive disability accommodation requests from university employees must promptly report such requests to the ADA Coordinator in Human Resources. Students shall make requests for disability accommodations related to academics or other university services (except employment) through the Accessibility Services Department. Employees who are seeking religious accommodations should contact the Director or Manager of Employee Relations in Human Resources. Employees who supervise other employees, administrators, or faculty who receive religious accommodation requests from university employees must promptly report such requests to the Director or Manager of Employee Relations in Human Resources.



5.5 All employment-related practices and decisions shall be instituted and administered in a fair and equitable manner, using only legally valid job-related criteria and standards, including but not limited to experience, training, education, skills, and potential for successful job performance.

5.6 The Equal Opportunity and Affirmative Action Director in coordination with Human Resources has the responsibility to write, implement, monitor, and update the University's affirmative action program in compliance with law. The Equal Opportunity and Affirmative Action Director in coordination with Human Resources shall provide an annual program report of these activities to President's Council.

5.7 An Equal Opportunity and Affirmative Action director/Title IX Coordinator shall be designated by the President of the University to provide training and education about prohibited discrimination and harassment to the university community. The Equal Opportunity and Affirmative Action Director/Title IX Coordinator or designee is responsible for receiving and investigating reports and complaints of discrimination, harassment, and retaliation in accordance with this policy and applicable laws. Employees and students should promptly participate in good faith in an internal administrative investigation related to this policy.

5.8 Those seeking to appeal University actions that result from findings of violation of this policy shall follow the procedures outlined in UVU Policy 156 *Grievances*.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



POLICY TITLE	Discrimination, Harassment, and Affirmative Action	Policy Number	165
Section	Governance, Organization, and General Information	Approval Date	December 6, 2012
Subsection	Individual Rights	Effective Date	December 6, 2012
Responsible Office	Human Resources, Academic Affairs, Student Affairs, Office of the President		

1.0 PURPOSE

1.1 To provide a workplace, educational environment, programs, and activities free from discrimination, harassment, and retaliation in accordance with federal and state law and University core values. This policy applies to all trustees, administrators, faculty, staff, students, volunteers, visitors, or others associated with the operation of Utah Valley University.

2.0 REFERENCES

- 2.1** UVU Policy 155 *Sexual Harassment and Consensual Relationships and Grievance*
- 2.2** UVU Policy 156 *Grievances*

3.0 DEFINITIONS

- 3.1 Discrimination:** Unfair or unequal treatment of persons on the basis of inclusion or perceived inclusion in a protected status.
- 3.2 Equity officer:** An individual appointed to oversee the application and adherence of the federal and state laws relating to civil rights of individuals.
- 3.3 Harassment:** Any unwelcomed physical or verbal conduct toward a person based on a protected status that interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive work or learning environment.
- 3.4 Protected statuses:** Race, color, religion, national origin, sex/gender, sexual orientation, age, disability, veteran/military status, pregnancy related condition, genetic information, or otherwise as provided by state or federal law.
- 3.5 Retaliation:** To seek revenge, reprisal, or injury to an individual who has exercised the right to file a complaint or report, or participate in any investigation, proceeding, or hearing relating to prohibited discrimination, harassment, or other types of complaints.
- 3.6 Sexual harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:



- ~~1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in a university activity;~~
- ~~2) Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, or participation in a university activity; or~~
- ~~3) Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, or participation in a university activity.~~

4.0 POLICY

~~4.1 Utah Valley University prohibits any form of: (a) discrimination based on a protected status, (b) harassment, including sexual harassment, toward any individual or group, or (c) retaliation. Violations of this policy will be met with appropriate disciplinary action, up to and including dismissal and removal from the University.~~

~~4.2 Utah Valley University affirmatively endeavors to provide equal opportunity consistent with the law in all recruitment, admissions, and employment related activities, procedures and decisions.~~

5.0 PROCEDURES

~~5.1 Administrators, faculty, and staff exercising recruitment, admissions, and employment related management responsibilities are required to take vigorous and appropriate action to ensure that all university practices and decisions for which they are responsible are made without prohibited discrimination, harassment, retaliation, or prejudicial treatment.~~

~~5.2 All employment related practices and decisions shall be instituted and administered in a fair and equitable manner, using only legally valid job related criteria and standards, including but not limited to experience, training, education, skills, and potential for successful job performance.~~

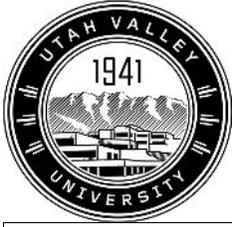
~~5.3 Human Resources has the responsibility to write, implement, monitor, and update the University's affirmative action program in compliance with law. Human Resources shall provide an annual program report of these activities to President's Council.~~

~~5.4 An Employee Equity Officer will be designated by the President of the University to assist faculty, staff, applicants, and students in seeking resolution of complaints under this policy directed against employees.~~

~~5.5 A Student Equity Officer will be designated by the President of the University to assist students, staff, and faculty in seeking resolution of complaints under this policy directed against students.~~

~~5.6 Those seeking redress for violations of this policy shall institute the procedures outlined in UVU Policy 156 *Grievances*.~~

POLICY HISTORY



UTAH VALLEY UNIVERSITY

Policies and Procedures

Date of Last Action	Action Taken	Authorizing Entity