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## Policy Information

**Effective Date:**

June 1, 2012

**Last Revised Date:**

August, 2020

**Policy Number:**

HR-200E

**Reference:**

Student Employment Manual 108.0

**Responsible Unit:**

Office of Institutional Equity

**Phone:**

(520) 621-9449

**Email:**

[equity@email.arizona.edu](mailto:equity@email.arizona.edu) [1]

## Policy

The University of Arizona is committed to creating and maintaining an environment free of discrimination. In support of this commitment, the University prohibits discrimination, including harassment and retaliation, based on a protected classification, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or genetic information. The University encourages anyone who believes he or she has been the subject of discrimination to report the matter immediately as described in the section below, "Reporting Discrimination, Harassment, or Retaliation." All members of the University community are responsible for participating in creating a campus environment free from all forms of prohibited discrimination and for cooperating with University officials who investigate allegations of policy violations.

### University Obligations

The University will take prompt and appropriate action to (a) thoroughly investigate complaints of discrimination described in this policy; and (b) prevent, correct and, if necessary, discipline individuals who engage in behavior that violates this policy in accordance with existing University policies.

## **Applicability and Enforcement of Policy**

This policy applies to:

- All University employees in all aspects of their employment relationship with the University;
- All University students in all aspects of their participation in the University's educational programs and activities;
- All University applicants, whether for employment or for admission to educational or University-sponsored programs, activities, or facilities;
- All persons or groups participating in or accessing University-sponsored programs, activities, or facilities; and
- All vendors or contractors in all aspects of their relationship with the University.

Enforcement of this policy is subject to constitutional protections related to freedom of speech, association, and the press.

## **Prohibited Discrimination, Including Harassment and Retaliation**

### **Discrimination**

"Discrimination" occurs when an individual, or group of individuals, is treated adversely because they belong to a classification of individuals that is protected from discrimination by a federal or state statute or University policy as set forth above. The failure to provide reasonable accommodations required by law or University policy based on disability or religious practice may constitute discrimination.

### **Harassment**

"Harassment" is a specific form of discrimination. It is unwelcome behavior, based on a protected classification, that a reasonable person would perceive to be sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in University-sponsored activities.

Additionally, "Sexual Harassment," whether between individuals of the same or different sex, includes unwelcome conduct of a sexual nature that is made, either explicitly or implicitly, a condition of an individual's education, employment, or participation in a University program or activity, and/or when the submission to or rejection of such conduct is a factor in decisions affecting that individual's education, employment, or participation in University-sponsored activities.

Harassing conduct may take many forms, including verbal acts and name calling, as well as nonverbal behavior, such as graphic, electronic, and written statements, or conduct that is physically offensive, harmful, or threatening.

### **Title IX Sexual Harassment**

"Title IX Sexual Harassment" is a subset of sexual harassment and is conduct, based on sex, that constitutes one or more of the following:

(a) unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University-sponsored education program or activity; (b) an employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or (c) any of the following specific acts of sexual harassment taking place within the United

States and within a University-sponsored program or activity: sexual assault, dating violence, domestic violence, and stalking.

## **Retaliation**

"Retaliation" occurs when an adverse action is taken against an individual for engaging in protected activity. Protected activity consists of (a) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates a nondiscrimination statute or which University policy prohibits; (b) filing a complaint about such practice; or (c) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint. Adverse actions that are reasonably likely to deter a complaining individual or others from engaging in protected activity are prohibited.

## **Title IX Retaliation**

"Title IX Retaliation" includes taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Title IX Sexual Harassment.

## **Supervisory Responsibilities to Prevent and Report Discrimination, Harassment, and Retaliation**

Employees or agents of the University who (a) supervise other employees, graduate or undergraduate students, contractors, or agents; (b) teach or advise students or groups; or (c) have management authority related to a University-sponsored program or activity are required to:

- Engage in appropriate measures to prevent violations of this policy; and
- Upon receiving a report or having a reasonable basis to suspect that potential discrimination, harassment, or retaliation has occurred or is occurring, promptly notify and provide all available information and documentation to the Office of Institutional Equity

## **Reporting Discrimination, Harassment, or Retaliation**

An individual who believes that he or she has been subjected to discrimination, harassment, or retaliation in violation of this policy should report the matter immediately as set forth below to obtain information about resolving concerns, including complaint-filing options and procedures, and to enable the University to take prompt remedial action.

Director for Equity Compliance  
Office of Institutional Equity  
University Services Building, Room 113  
P.O. Box 21058  
Tucson, AZ 85721-0158  
(520) 621-9449  
[equity@email.arizona.edu](mailto:equity@email.arizona.edu) [1]

If the alleged policy violator is employed by the Office of Institutional Equity, then the individual who has been the subject of discrimination, harassment, or retaliation in violation of this policy may contact the Division of Human Resources.

## **Good Faith Allegations**

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of discrimination, harassment, or retaliation under this policy, even if an investigation fails to substantiate the allegation. However, individuals who make dishonest statements or make statements with willful disregard for the truth during an investigation or enforcement procedure under this policy may be subject to disciplinary action in accordance with existing University policies.

## **Anonymous Inquiries and Complaints**

Members of the University community may contact the Office of Institutional Equity at any time to ask questions about discrimination, harassment, retaliation, or complaint-filing procedures and may provide information without disclosing their names. This provision does not relieve managers, supervisors, instructors, or advisors of their responsibility to promptly report under this policy.

## **Reporting Complaints to Outside Agencies**

University employees and students have the right to file discrimination, harassment, and/or retaliation complaints with outside agencies as well as with the University's Office of Institutional Equity. If an individual files a complaint with an external agency, the filing will not affect the University's investigation concerning the same or similar events.

## **Consequences of Policy Violations**

Members of the University community who violate this policy will be subject to corrective action that could include reprimand, demotion, denial of promotion, termination from employment or from educational programs, or other appropriate administrative action.

## **Affiliated Entities**

University employees or students who work or study at a worksite or program of an institution with which the University has entered into an Affiliation Agreement (Affiliate) are subject to this policy while at such worksite or participating in such program. Similarly, Affiliates are obligated under agreements with the University to comply with all applicable state and federal statutes and regulations regarding equal employment opportunity and nondiscrimination. If a University employee or student believes that he or she has been subjected to discrimination, harassment, or retaliation while working at or participating in a program of an Affiliate in violation of this policy, he or she should contact the Office of Institutional Equity in accordance with the reporting provisions of this policy.

## **Confidentiality**

Employees of the Office of Institutional Equity, employees of the Dean of Students Office, and all responsible administrators who receive reports of discrimination, harassment, or retaliation shall maintain the confidentiality of the information they receive, except where disclosure is required by law or is necessary to facilitate legitimate University processes, including the investigation and resolution of discrimination, harassment, or retaliation allegations.

## Frequently Asked Questions\*

### Does the University provide training related to this policy?

Yes. Nondiscrimination training is available online at <https://equity.arizona.edu/training/online-training> [2] and by contacting the Office of Institutional Equity at (520) 621-9449.

### Where can I find other resources and materials related to this policy?

You can find additional resources and materials, including links to University services, at <http://equity.arizona.edu/resources-materials> [3].

### Who should I contact to ask questions about the policy or about a possible policy violation?

Please contact the Office of Institutional Equity at (520) 621-9449 with questions, to report a possible policy violation, or to find out more about complaint-filing options and processes. You can also find answers to some questions and guidance on reporting at <http://equity.arizona.edu> [4].

### Do student workers have to take the "Preventing Discrimination and Harassment" training for employees?

Yes. Student workers are required to complete this online training..

## Related Information\*

[Arizona Board of Regents Policy 1-119 Nondiscrimination and Anti-Harassment](#) [5]

## Revision History\*

Title IX discrimination and retaliation added 8/14/2020

Reporting change, June 30, 2020

This policy incorporates the former Sexual Harassment policies in Classified Staff Human Resources Policy 101.0 and University Handbook for Appointed Personnel Policy 2.16.

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### Source URL:

<https://policy.arizona.edu/human-resources/nondiscrimination-and-anti-harassment-policy>

### Links

[1] <mailto:equity@email.arizona.edu>

[2] <https://equity.arizona.edu/training/online-training>

[3] <http://equity.arizona.edu/resources-materials>

[4] <http://equity.arizona.edu>

[5] <https://public.azregents.edu/Policy%20Manual/1-119-Nondiscrimination%20and%20Anti-Harassment.pdf>