

Discrimination and Harassment Prevention Policy

POLICY STATEMENT

The University of Detroit Mercy is committed to a policy of equal opportunity for all persons and does not discriminate on the basis of race, color, national origin, age, marital status, sex, disability, religion, height, weight, veteran status or any other trait protected by state or federal law in employment, educational programs and activities, and admissions. The University is firmly committed to an academic and work environment free of discrimination and harassment as provided by this policy, and state and federal laws.

DEFINITION OF DISCRIMINATION AND HARASSMENT

To determine whether a particular type of conduct constitutes discrimination or harassment under this policy, the following definition will be used:

Conduct that is based upon an individual's race, color, national origin, age, marital status, sex, disability, religion, height, weight, veteran status or any other trait protected by state or federal law that: adversely affects a term or condition of an individual's employment, education, living environment or participation in a University activity; is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment or participation in a University activity; or has the purpose or effect of unreasonably interfering with an individual's employment, education, living environment or participation in a University activity or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment or participation in a University activity.

RESPONSE TO CONCERNS ABOUT DISCRIMINATION AND HARASSMENT

A. Prevention and Education

The University is committed to preventing and eliminating discrimination and harassment of students, faculty, and staff. To that end, this policy will be published on the University's web site. In addition, information regarding discrimination, harassment, and this policy will be included in orientation materials for new students, faculty, and staff. Printed copies will also be made available in appropriate locations on each campus including the offices of Human Resources, Office of Academic Affairs, and the Dean of Student's Office.

Further, appropriate educational sessions will be conducted by the University on an ongoing basis to (1) inform students, faculty, and staff about identifying discrimination and harassment and the problems either may cause, (2) advise members of the University community about their rights and responsibilities under this policy, and (3) train personnel in the administration of this policy.

B. Assistance with Harassment Concerns

The Human Resources, Academic Affairs and Student Affairs offices share responsibility for ensuring and monitoring the University's compliance with federal and state nondiscrimination laws. However, a discrimination-free environment is the responsibility of every member of the community. The University can take corrective action only when it becomes aware of problems. **Therefore, the University encourages persons who believe that they have experienced or witnessed discrimination or harassment to come forward immediately with their inquiries, reports, or complaints and to seek assistance within the University.** Individuals also have the right to pursue a legal remedy for discrimination or harassment in addition to or instead of proceeding under this policy.

C. Procedures for Reporting and Responding to Reports of Discrimination and Harassment.

1. Filing Reports of Discrimination and Harassment

All members of the University community may complain to the University about alleged discriminating and/or harassing behavior by contacting an appropriate University official, including the University's Dean, a Director or Department Head, the Dean of Students, the Manager of the Human Resources Department, and the Department of Public Safety.

Reports of discrimination and/or harassment shall be brought as soon as possible after the alleged conduct occurs.

Prompt reporting will enable the University to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. However, the University shall respond to reports of discrimination and/or harassment to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

2. Investigations Generally

Each complaint of discrimination and/or harassment must be evaluated with reference to the pertinent circumstances. On occasion, a complaint will be resolved informally. Informal resolutions are voluntary, and either party may request that a formal investigation of the complaint be commenced at any time.

Other complaints will result in investigations, which will generally include interviews and review of evidence, such as electronic and written material, if any exists. Both the complainant and the alleged harasser will be notified of the outcome of an investigation.

If the conclusion of an investigation is that discrimination or harassment has occurred, the University will take prompt and appropriate remedial action, including (if appropriate) disciplinary action to eliminate the discrimination or harassment and prevent its reoccurrence.

D. Corrective Action

Corrective action could include a requirement not to repeat or continue the discriminatory, harassing or retaliatory conduct, a reprimand, denial of a pay increase, reassignment, suspension and termination. The severity of the punishment will depend on the frequency and severity of the offense and any history of past discriminatory or retaliatory conduct. A finding of discrimination and/or harassment may be cause for the separation of the offending party from the University, in accordance with University procedures, including, for qualified faculty, the procedures set forth in the UDMPU contract. Every effort will be made to assure University-wide uniformity of sanctions for similar offenses.

E. University Action

The University may assume the role of a complainant and pursue a report or complaint of discrimination or harassment. The University may respond to complaints or reports by persons external to the University community about alleged discriminatory or harassing conduct by University employees. If the accused is a UDMPU faculty member, the Academic Vice President or executive authority of the relevant unit may initiate the procedures at any stage in the process, if the circumstances indicate that such action is warranted.

F. Reporting Requirements

To assure University-wide compliance with this policy and with federal and state law, the Human Resources Department must be advised of all reported incidents of discrimination and/or harassment and their resolution. The Human Resources Department will monitor repeated complaints within the same unit or against the same individual, where identified, to assure that such complaints are appropriately handled.

G. Retaliation

No person, including parties and witnesses, exercising his or her rights and/or responsibilities under the Non-Discrimination Harassment Policy and Procedures set forth herein shall be subject to retaliation or threat of retaliation in any form. Retaliation shall be defined to include, but not be limited to, those actions directed against an individual on the basis of or in reaction to the exercise of rights accorded and/or defined by this policy which affect a person's employment, advancement, scholarship, performance, habitation, and/or property. A finding of retaliation or a threat of retaliation shall constitute a separate violation of this policy, subject to separate or consolidated disciplinary procedures, and is not dependent upon a finding of a violation of any other section of the policy. Complaints of retaliation shall be made to the Human Resources Department.

H. Confidentiality

The University of Detroit Mercy is committed to balancing the interests of all parties involved in discrimination and harassment complaints and will attempt to keep the name of the complainant confidential and to respect the rights of the accused harasser. However, the University recognizes that there are certain situations which may require disclosure of information. Further, when credible information received through an investigation shows that there may be violations of other University policies, and then the appropriate officials will be notified.

I. False Charges

A person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action, up to and including discharge for employees and dismissal for students.