

The University of Wisconsin-Green Bay Policy and Procedures Prohibiting Harassment and Discrimination

I. Statement of Policy

The University of Wisconsin-Green Bay is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment—an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Discrimination against or harassment of any member of the University community based upon race, color, religion, sex, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability and any other legally protected basis is prohibited by law and undermines the character and purpose of the University. Such harassment and/or discrimination is illegal and against University policy and will not be tolerated.

This policy covers all members of the University community and those who affect the University community such as vendors or visitors. The University encourages everyone to report all incidents of harassment regardless of who that offender may be.

II. Definition of Prohibited Harassment and Discrimination

A. Prohibited harassment is conduct based on race, color, religion, sex, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability and any other legally protected basis when:

1. Submission to or rejection of the conduct is either an explicit or implicit term or condition of employment, basis for participation or advancement in an academic program, or basis for participation in a University activity or benefit; or
2. Such conduct creates an intimidating, hostile, or offensive work, academic, or residential environment; or
3. Such conduct otherwise adversely affects employment or academic opportunities.

Examples of such prohibited conduct when based upon a legally protected status include, but are not limited to:

- Verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading, or ridiculing another person or group;
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands;
- Physical assault or stalking;

- Displays or electronic transmission of derogatory, demeaning, or hostile materials; or
- Unwillingness to train, evaluate, assist, or work with an employee, faculty member, or student.

Harassment is unacceptable in the workplace, classroom, student and faculty housing, sports, University facilities and in other University-related settings, such as study-abroad programs and University-sponsored social functions and events. This behavior violates University policy even when it may not be sufficiently severe or pervasive to constitute a violation of law.

B. Prohibited discrimination occurs when an individual is treated less favorably with respect to the terms and conditions of employment or education, or with respect to the individual's receipt of employment or educational benefits, because of his or her membership in a protected class. Accordingly, all employment-related decisions including, but not limited to, decisions relating to recruitment, hiring, promotion, transfers, benefits and any other terms and conditions of employment, will be made without regard to the employee's or applicant's race, color, religion, national origin, gender identity, sex, sexual orientation, marital status, pregnancy, age, physical disability, mental disability, medical condition, covered veteran status, or other characteristic protected by federal or state law. Similarly, all education-related programs and activities, including, but not limited, to admissions, financial aid, academic programs, research, housing, athletics, and other extracurricular activities will be administered without regard to the student's or applicant's race, color, religion, national origin, sex, sexual orientation, age, physical disability, mental disability or other characteristic protected by federal or state law.

III. 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 and Affirmative Action if the alleged harasser or prohibited conduct is by an employee, including a student employee; and
3. The Office of Human Resources and Affirmative Action if the alleged harasser or prohibited conduct is by a visitor, vendor or other third-party.

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 the Office of Human Resources and Affirmative Action. If that office is implicated, the report should be made to the Vice Chancellor for Business and Finance.

IV. Reporting a Harassment and/or Discrimination 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 may 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.

V. 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.

VI. Investigation and Disposition of the Complaint

Effort shall be made to complete the investigation of a complaint within thirty (30) days of the report of the complaint. Extensions of the time frame may be necessary in some circumstances.

The investigator will conduct a prompt, thorough, and impartial investigation of the complaint in the manner he or she deems 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 investigation process is strictly internal to UW-Green Bay, so the presence of legal counsel or third parties is not permitted at any stage of the process unless otherwise required by law.

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. 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. 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.

VII. Retaliation

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.

VIII. Sexual Assault

Sexual assault is a sexual act against the will and without the consent of the victim or where the victim is incapable of giving consent. This includes conduct that would be considered criminal under Wisconsin criminal law. Since the medical, emotional and legal needs of a sexual assault complainant may differ from those of other harassment complaints, sexual assault victims should, in addition to filing a University complaint, report the assault to the police and pursue counseling and other services available at the University. Students should consult the publication UW-Green Bay Sexual Assault Policy and Procedures for guidance on medical and counseling services. Faculty and/or staff should consult UW-Green Bay Employee Assistance Program for medical and counseling service referrals

IX. Consensual Relationships

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic relationships in situations where one individual has greater power or authority over another or where conflicts of interest exist frequently result in claims of harassment... A "consensual" relationship between a professor and his/her student, a supervisor and a subordinate, or a coach and team player are examples of such relationships. Employees are

responsible for reporting the existence of such relationship to their immediate supervisor so appropriate arrangements be made for objective decision-making with regard to the student, subordinate or employee.

X. Education

The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Training will be made available on a regular basis.

XI. Related Policies and Information

[UW-Green Bay Policy on Violence and Threats](#)

[UW-Green Bay Sexual Assault Policy](#)

[UW-Green Bay Civility and Tolerance Statement](#)

[UW-Green Bay Consensual Relations Statement](#)

[UW-Green Bay Student Policy on Complaints and Grievances](#)

[UW-Green Bay Counseling & Health: “What to do if you are sexually assaulted.”](#)

[UW-Green Bay Dean of Students/Judicial Affairs: “How to Report an Incident.”](#)

[UW-Green Bay Faculty Handbook](#)

[UW-Green Bay Academic Staff Handbook](#)

[UW-Green Bay Classified Staff Handbook](#)

[UW System Code of Ethics and Nepotism Policies](#)

[Chapter 230 of the Wisconsin Statutes](#)