

UW-River Falls Administrative Policy	Title: Discrimination, Harassment, and Retaliation
Policy ID: AP-01-125	
Effective: January 2020	Administrative University Officer: VCFA
	Policy Owner/Responsible Officer: Human Resources
Revision: December 2023	Approved by: Chancellor
Review: 1 year	Next Review Date: December 2024

Policy

It is the policy of UW-River Falls to maintain an academic and work environment free of discrimination, discriminatory harassment or retaliation for all students and employees. Discrimination is inconsistent with the efforts of UW-River Falls to foster an environment of respect for the dignity and worth of all members of the university community and to eliminate all manifestations of discrimination within the university.

Discrimination or discriminatory harassment that are based upon an individual's characteristics as protected under state law or federal law ("protected status") or university policy are prohibited. In addition, any form of retaliation against students or employees is prohibited. Any person who believes they have been subjected to this type of prohibited activity should immediately report it to the appropriate office, as directed below.

This policy applies to all programs and activities, as well as employment practices and university operations. It includes the conduct of all students and employees arising out of their employment, educational or academic status, as well as to the conduct of all guests, visitors, vendors, contractors, subcontractors, and others who do business with UW-River Falls. This policy prohibits conduct that uses institution technology (computers, e-mail systems, voice mail system, and webpages) in any manner that would violate this policy.

Prohibited Discrimination, Discriminatory Harassment and Retaliation Against Students

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 UW System or its institutions on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, 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). Retaliation, as defined in this policy, is also prohibited.

Prohibited Discrimination, Discriminatory Harassment and Retaliation Against Employees

No employee may be discriminated against on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ancestry, disability, pregnancy, marital or parental status, genetic information, arrest record, conviction record, military service, 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, or dismissal. Retaliation, as defined in this policy, is also prohibited.

Definitions

Discrimination: “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 one or more characteristics of that individual's protected status or category as defined in this policy.

Discriminatory Harassment: “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, 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, program or activity 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, including UW-River Falls Sexual Violence and Sexual Harassment Policy.

Retaliation: Retaliation is adverse action taken against an individual in response to, motivated by, or in connection with a complaint of discrimination or discriminatory harassment; participation in an investigation of such complaint; or opposition of discrimination or discriminatory harassment in the educational or workplace setting.

Reporting Concerns or Incidents

Any person who believes they have been subject to activity prohibited by this policy is encouraged to contact the below-identified individuals or make a report online via the UW-River Falls website, at <https://www.uwrf.edu/ReportIt/>.

- Students with concerns about discrimination, contact: April Chaney, Title IX Coordinator, 715-425-0720 or april.chaney@uwrf.edu
- Employees with concerns about discrimination, contact: Michelle Best, Chief Human Resources Officer, 715-425-3518 or michelle.best@uwrf.edu

Procedures

Procedures follow the applicable process based on the status of the individual against whom the complaint is made.

1. For a complaint against a student, the procedures linked here apply: UWS 17, Student Nonacademic Disciplinary Procedures
(https://docs.legis.wisconsin.gov/code/admin_code/uws/17)
2. For a complaint against a faculty member, the procedures linked here apply:

UWS 4, Faculty Procedures for Dismissal
(http://docs.legis.wisconsin.gov/code/admin_code/uws/4.pdf)

UWS 6, Faculty Complaints and Grievances
(https://docs.legis.wisconsin.gov/code/admin_code/uws/6)

UWS 7, Dismissal of Faculty in Special Cases
(http://docs.legis.wisconsin.gov/code/admin_code/uws/7.pdf)
3. For a complaint against a member of the academic staff, the procedures linked here apply:

UWS 11, Dismissal of Academic Staff for Cause
(https://docs.legis.wisconsin.gov/code/admin_code/uws/11)

UWS 13, Academic Staff Complaints and Grievances
(https://docs.legis.wisconsin.gov/code/admin_code/uws/13)
4. For a complaint against a member of the university staff, the procedures linked here apply: UW System Administrative Policy 1233 Grievance Procedures (<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/>)

Note: Inquiries will be reviewed on a case-by-case basis with due consideration given to protection for freedom of speech, freedom of expression and academic freedom.

Complainant Time Limitation

Complainants must file a complaint filing in writing with the individuals or offices listed above within 300 calendar days after the complainant knew or reasonably should have known of the occurrence, event, or omission out of which the complaint has arisen. A complainant who does not comply with the time limits in this policy shall be barred from further pursuit of the complaint process.

Certain sex-based complaints of sexual harassment or sexual violence may not be governed by the 300-day deadline.

IMPORTANT NOTE: Time frames for filing a claim under federal or state law may differ. This policy does not prevent those time frames from running. Therefore, individuals wishing to file with a state or federal agency should be mindful that they may be subject to a shorter time period. For example, the Office for Civil Rights, U.S. Department of Education, may require complaints be filed with them within 180 days

from the alleged discriminatory act. Individuals should consult the appropriate federal or state agency for more information about their rights and applicable filing deadlines.

Appeal Options

Appeal options are as stated in the applicable procedure above.

A student-complainant, who has filed a complaint under Wis. Stat. § 36.12, may appeal the Chancellor's decision to the Board of Regents.

Authority

The UW-River Falls Chancellor approves this policy in accordance with the Administrative Policy process. The Vice Chancellor for Finance and Administration is responsible for the substance of, and compliance with all administrative policies. The Policy Owner (Responsible Office) is responsible for the administration and maintenance of this policy. Request an exception to this policy by writing to administrative-policy@uwrf.edu.

University Responsibilities

Human Resources is responsible for administration of this policy.

Related Documents

Section 36.12, Wisconsin Statutes - <https://docs.legis.wisconsin.gov/1995/statutes/statutes/36/12>

Regent Policy Document 14-6: Discrimination, Harassment and Retaliation - <https://www.wisconsin.edu/regents/policies/discrimination-harassment-and-retaliation/>

Regent Policy Document 14-2: Sexual Violence and Sexual Harassment - <https://www.wisconsin.edu/regents/policies/sexual-violence-and-sexual-harassment/>

Regent Policy Document 14-3: Equal Opportunities in Education: Elimination of Discrimination Based on Gender - <https://www.wisconsin.edu/regents/policies/equal-opportunities-in-education-elimination-of-discrimination-based-on-gender/>

Regent Policy Document 14-5: Measures to Alleviate Racism - <https://www.wisconsin.edu/regents/policies/measures-to-alleviate-racism/>

Regent Policy Document 14-10: Nondiscrimination on Basis of Disability - <https://www.wisconsin.edu/regents/policies/discrimination-prohibited/>

UW-River Falls Administrative Policy, AP-06-116: Sexual Violence and Sexual Harassment Policy - <https://www.uwrf.edu/Administration/Policy/upload/Sexual-Violence-and-Sexual-Harassment-Policy-AP-06-116.pdf>

Contact

Please direct questions about this policy to administrative-policy@uwrf.edu.