



# University of Louisville

**OF  
UNIV  
ADMINISTR**

*University Administrators, Faculty, Staff and Students*

POLICY NAME	EFFECTIVE DATE	POLICY NUMBER
Discriminatory Harassment	May 1, 1992	PER-1.10

**POLICY STATEMENT**

**POLICY**

The University of Louisville's Discriminatory Harassment Policy reflects the commitment to maintain a community that is free from harassment of any kind. Harassment of any kind is not acceptable at the university. It is inconsistent with the university's commitment to excellence and respect for all individuals. The university is also committed to protecting the academic freedom and freedom of expression of all members of the university community. Academic freedom and freedom of expression includes, but is not limited to, the expression of ideas, however controversial, in the classroom, residence hall, and in keeping with different responsibilities, in work places elsewhere in the university community. This policy does not attempt to address behaviors that do not constitute discriminatory harassment. Offensive behavior that does not violate university policy should be addressed by the appropriate supervisor or office as outlined in the Staff Handbook, Redbook, or Student Handbook.

**REMEDIES**

Persons found to have violated the provisions set forth in the university's Discriminatory Harassment Policy will be subject to disciplinary action and penalties as set forth in the University of Louisville Policies and Procedures as outlined in the Redbook, Staff Handbook, and Student Handbook. These penalties include, but are not limited to, suspension, demotion, termination, or in the case of students, dismissal. In addition, violation of the university's Discriminatory Harassment Policy may be subject to other remedies available under state and federal law. Other corrective action such as counseling or training; and steps such as reinstatement, hiring, reassignment, promotion, or other benefits may be taken as are necessary.

**RELATED INFORMATION**

**RETALIATION**

Federal and state law and university policy prohibit any form of retaliation against a person who files a discrimination complaint in good faith. Disciplinary action against any person who files a discrimination complaint in bad faith, or who maliciously or knowingly files false spurious, or frivolous claims charges. In cases in which allegations of discrimination are not substantiated, the university may, if appropriate, take reasonable steps, such as expungement of records or notification to people who participated in the investigation of the charge, to restore the reputation of the respondent.

**PEER HARASSMENT**

Discriminatory harassment of students by other students is addressed by certain provisions in the Student Handbook under the Code of Student Conduct and is addressed by the Office of Student Life. Complaints may be brought to that office without first going through the Employee Relations and Compliance. The Employee Relations and Compliance Office will refer complaints of student-to-student discriminatory harassment to the Office of Student Life. The Code of Student Conduct can be viewed at:

<http://louisville.edu/dos/students/codeofconduct>

<http://louisville.edu/dos/students/codeofconduct>

[Equal Employment Opportunity Commission](#)

[United States Department of Education](#)

[Office for Civil Rights](#)

[Kentucky Commission on Human Rights](#)

**DEFINITIONS**

**DEFINITIONS**

Discriminatory harassment is contrary to University of Louisville policy and may also be illegal. The university defines discriminatory harassment as:

1. Behavior of any type (oral, written, graphic, physical) that creates a "hostile environment." Hostile environment harassment includes, but is not limited to, comments or conduct that have the purpose of unreasonably interfering with an individual's work or academic performance, participation in a sponsored university activity, or creating an intimidating, hostile or offensive working or learning environment that a reasonable person would find threatening or intimidating;
2. The behavior is directed at persons because of their race, sex, age, color, national origin, ethnicity, creed, religion, disability, genetic information, sexual orientation, gender, gender identity or expression, marital status, pregnancy, or veteran status unless otherwise permitted or required by applicable law; or
3. Employment or academic decisions made in retaliation for a person's unwillingness to submit to such conduct, or benefits or privileges provided as a result of such submission; or participation in a university, state, or federal discrimination investigation AND, which also unreasonably interferes with the person's work or academic performance or participation in university activities, or creates a working or learning environment that a reasonable person would find threatening or intimidating.

A person must be in a position of authority to act on behalf of the university (for example, a supervisor with respect to an employee, or a faculty member with respect to a student) for parts 2 or 3 above to be applicable. Part 1, however, does not require that a person misuse university-delegated authority, and applies whenever such any person while on university grounds or during university activities interferes with work or academic performance or participation in university activities, or creates a working or learning environment that would be threatening or intimidating to any reasonable person under the same circumstances.

## PROCEDURES

### DISCRIMINATORY HARASSMENT COMPLAINT RESOLUTION PROCEDURES

Discriminatory harassment can take many forms, and determining whether an action constitutes discriminatory harassment requires examining all of the circumstances. The situation must be promptly reviewed and appropriate action taken. You may contact the following individuals or agencies at any time if you cannot or do not wish to contact the harasser, or your efforts did not stop the conduct:

Brian Bigelow  
Title IX/ADA Coordinator  
2100 S. Floyd Street  
Student Activities Center  
W301  
Louisville, KY 40208  
Phone: 502-852-5787  
Email: [Brian Bigelow](mailto:Brian.Bigelow@louisville.edu)

Mary Elizabeth Miles  
Deputy Title IX Coordinator  
(Complaints Against Employees)  
Director of Employee Relations and Compliance  
1980 Arthur Street  
Louisville, KY 40208-2770  
Phone: 502-852-6688  
Email: [Mary Elizabeth Miles](mailto:Mary.Elizabeth.Miles@louisville.edu)

Aaron Graham  
Deputy Title IX Coordinator  
(Complaints Against Non-University Community Members)  
University of Louisville Police  
Floyd Street Parking Garage, Suite 100  
Louisville, KY 40292  
Phone: 502-852-4329 or 852-6111  
E-mail: [Aaron Graham](mailto:Aaron.Graham@louisville.edu)

Dr. Angela Taylor  
Deputy Title IX Coordinator  
(Complaints Against Students)  
2100 S. Floyd Street  
Student Activities Center  
Louisville, KY 40208  
502-852-5787  
Email: [Angela Taylor](mailto:Angela.Taylor@louisville.edu)

### Additional Contact

- Vice Presidents, Deans, Department Chairs, Directors and Coaches
- Assistant or Associate Vice Presidents, and Provosts
- Any employee in a supervisory or management role
- All Faculty
- University of Louisville Police Officers and any contracted security personnel

*Some forms of harassment and discrimination may violate federal and state laws, and a Complainant or Respondent may choose to contact the following agencies if their complaint:*

Philadelphia Office for Civil Rights  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Phone: (215) 656-8541  
TDD: 1-877-521-2172  
E-mail: [Philadelphia Office for Civil Rights](mailto:Philadelphia.Office.for.Civil.Rights@ed.gov)

Kentucky Commission on  
Human Rights  
332 W. Broadway  
7th Floor  
Louisville, KY 40202  
Phone: 502-595-4024 or 1-800-292-5566  
E-mail: [Kentucky Commission on Human Rights](mailto:Kentucky.Commission.on.Human.Rights@ky.gov)

Federal Equal Employment  
Opportunity Commission  
600 Dr. Martin Luther King, Jr. Place,  
Suite 268  
Louisville, Kentucky 40202  
Phone: 1-800-669-4000  
TTY: 1-800-669-6820  
E-mail: [Federal EEOC](mailto:Federal.EEOC@eoc.gov)

### EXAMPLES OF BEHAVIOR

The following are examples of behavior that should be reported for review under this policy:

- Frequent taunting on the basis of an individual's association with people of a particular national origin or race;
- The oral use of offensive epithets, slurs, or comments aimed at a particular person or group, or the use of offensive gestures, pictures, body parts, or other items based on age, color, disability, gender (whether or not sexual in nature), national or ethnic origin, race, religion, sexual orientation, or visible characteristics;
- Teasing or mocking a person with a disability whether mental or physical;
- Ridiculing a person's religious beliefs;
- Persisting in requests for dates after being told they are unwelcome;
- Evaluating an employee or student more critically than performance warrants because the employee or student objected to a sexual advance (refer to the university's sexual harassment policy);
- Sending unwelcome mail, voicemail or e-mail containing derogatory jokes or comments;
- Displaying or sending mail, email, web sites or voice mail that are pornographic in nature;
- Touching that goes beyond acceptable workplace or classroom interaction, meaning that a reasonable person would find it objectionable;
- Repeated references to sex in the classroom or class assignments when there is no relationship between the reference and the content of the course.

### INFORMAL COMPLAINT PROCESS

The university maintains a fair and responsive method for reporting and addressing complaints of discriminatory harassment. Prompt reporting and your assistance to allow rapid response by the university and resolution of the objectionable behavior. Employees and students are encouraged, where appropriate, to attempt to resolve complaints through the administrative structure of the employment unit or academic department. The Employee Relations and Compliance Office is available to provide assistance to the employment unit or academic department in order to resolve the complaint.

If you believe you are experiencing treatment that violates this policy, you may take the following steps:

1. If possible, clearly tell the harasser to stop. Record what happened, the action you took, and the date of the incident.
2. You may also contact the Employee Relations and Compliance Office (502) 852-6688 or (502) 852-6538 at any time whether or not you have taken the above steps. The Employee Relations and Compliance Office is the university office responsible for receiving and addressing discriminatory harassment complaints. You may also contact the following individuals or agencies:

- informal help or information from the Employee Relations and Compliance Office, or you may file a formal complaint. Information on the complaint process is below.
3. If you cannot or do not wish to confront the harasser, or your efforts did not stop the conduct, you may contact your supervisor, the department chair, a faculty academic advisor, the Division of Student Affairs, the Women's Center, or the Office of the University Provost for help.
  4. Some forms of harassment may violate federal and state laws, and a complainant or respondent may choose to invoke external processes to resolve their complaint. Such individuals may contact the appropriate state and local agency, the [Equal Employment Opportunity Commission](#), the [United States Department of Education Office for Civil Rights](#), or the [Kentucky Commission on Human Rights](#).

### NEGOTIATED RESOLUTION

Negotiated resolution is a process by which the Employee Relations and Compliance Office attempts to resolve complaints quickly and to the satisfaction of all parties without reaching formal findings, while protecting confidentiality to the extent possible. At any time during the negotiated resolution process, either party may elect to terminate the process and the Employee Relations and Compliance Office will then investigate the complaint. The Employee Relations and Compliance Office reserves the right to proceed with an investigation if it determines that during the negotiated resolution process a complainant was offered and refused all of the relief to which he or she is entitled.

Generally, the Employee Relations and Compliance Office will not involve any person other than the complainant and respondent in the negotiated resolution process as it may be necessary to consult with appropriate university officials regarding university policies and procedures. Both parties will be asked to respect the confidentiality of the process. Negotiated resolution should be completed no later than thirty (30) days after the respondent has agreed to this process.

If the complaint is successfully resolved, each party will sign a "Negotiated Resolution Form," prepared by the Employee Relations and Compliance Office, which documents the agreed-upon terms. A copy of the complaint and the completed Negotiated Resolution Form will be available to the complainant and respondent upon request.

### FORMAL COMPLAINT PROCESS

University of Louisville employees, students, applicants for admission or employment or other participants in the university's programs or activities who believes he or she has been unlawfully discriminated against on the basis of age, color, disability, gender (whether or not sexual in nature) national or ethnic origin, race, religion, sexual orientation, or veteran status may file a formal complaint with the Employee Relations and Compliance office in accordance with the procedures described below.

Complaints should be directed to:  
Employee Relations and Compliance Office  
Human Resources Department  
1980 Arthur Street, Suite 100  
Louisville, KY 40208-2770  
(502) 852-6688  
fax (502) 852-5665

Complaints must be in writing and be filed with the Employee Relations and Compliance Office within 180 days of the most recent alleged discriminatory act. At the discretion of the Vice President for Human Resources & University EEO Officer, in certain circumstances complaints filed outside of this time limit or that are not in writing may be investigated informally. All time limits contained in these procedures may be extended for good cause. In addition to or instead of filing with the Employee Relations and Compliance Office, the complainant may file a formal charge of discrimination with a state or federal agency authorized by law to receive such claims.

The complaint should include the complainant's name and signature, a description of the alleged incident or incidents, identity of the person or persons purportedly responsible, and an indication of the date or approximate date on which the act or acts occurred.

Upon receipt of a written complaint an investigation will be initiated. We are committed to performing adequate, reliable, and impartial investigation, including the use of interviews, to present witnesses and other evidence. The Employee Relations and Compliance Office shall maintain all files and records relating to all complaints.

If the Employee Relations and Compliance Office determines that the allegations of the complaint, if true, do not violate federal or state law or university policies, the Employee Relations and Compliance Office shall notify the complainant in writing normally within five (5) working days of the filing of the complaint. That notice shall explain why the complaint does not violate federal/state law or university policy and may inform the complainant of other possible avenues to seek redress, such as the Student Grievance Procedures, if appropriate.

Either at the time of filing the written complaint or normally no later than ten (10) working days thereafter, the Employee Relations and Compliance Office will meet with the complainant individually to determine the factual allegations on which the complaint is based and to discuss the complaint procedures. If the Employee Relations and Compliance Office determines that the complaint is suitable for negotiated resolution, that option will be discussed and offered to the complainant, who will be given five (5) working days to decide. The respondent must also agree to mediate resolution. If the Employee Relations and Compliance Office deems the complaint is unsuitable for negotiated resolution, or if either party declines to participate in or to make a decision regarding negotiated resolution, the Employee Relations and Compliance Office will conduct an investigation.

Within ten (10) working days of the complainant's decision on how to proceed, or of the interview with the complainant if negotiated resolution was not deemed a viable option, the Employee Relations and Compliance Office will notify the respondent that he or she has been named in a complaint and the nature of the charges. That notice will also discuss the complaint procedures, and if appropriate, offer the negotiated resolution option to the respondent, who will have five (5) working days after notification to accept or decline.

The Employee Relations and Compliance Office reserves the right to refer student complaints to other university offices that may exist to investigate and/or adjudicate student complaints.

### INVESTIGATION

If the Employee Relations and Compliance Office determines that negotiated resolution is not appropriate, or if it is not agreed to by both parties, or if it is unsuccessful, an investigation will be conducted in accordance with the following procedures:

The investigation will be conducted by the Employee Relations and Compliance Office and may include, but not be limited to:

- Interviews with both the complainant and respondent;
- Individual meetings with witnesses or material persons who may have relevant information;
- Reviewing relevant files and records such as personnel files, departmental and/or unit files, and others;
- Comparing the treatment of complainant to that of others similarly situated in the department or unit; and
- Reviewing applicable policies and practices as outlined in the Staff Handbook, Redbook, or Student Handbook

The investigative process is an internal university process and therefore is not open to persons, including counsel from outside the university. The complainant and respondent are free however, to meet with internal and/or external advisors, including counsel from outside the university community, throughout the process. These advisors should address or question the Employee Relations and Compliance Office or any investigator, the complainant, respondent and/or any witness regarding the allegation(s).

The investigation shall normally be concluded within sixty (60) working days of its inception, and the Employee Relations and Compliance Office shall issue a written report which will document the scope of the investigation and result in a factual determination as to whether the evidence supports the allegation(s) of the complaint. Confidential findings will be submitted to the appropriate administrator(s) to render any disciplinary action (as appropriate) that is deemed necessary. In cases where the complainant is a faculty member a copy of these findings will be submitted to the university Provost. The complainant as well as the respondent will receive a copy of the findings.

If the Employee Relations and Compliance Office concludes that the complainant's allegations are substantiated, the report will recommend that a directive be issued to end the discriminatory practice. If it is ongoing, recommend disciplinary or other corrective action against the respondent and others; and, if appropriate, recommend for the complainant, such as reinstatement, hiring, reassignment, promotion, training, back pay, or other compensation or benefits.

If the Employee Relations and Compliance Office concludes that the complainant's allegations are not substantiated, the report may suggest other avenues, both internal and external, for the complainant should he or she wish to pursue the matter and, if appropriate, recommend reasonable steps to restore the reputation of the respondent.

The Vice President/Dean to whom the report is sent may take appropriate action, as deemed necessary. The Vice President's/Dean's decision on the action, and that decision therefore will be communicated in writing to the complainant, respondent, and the Employee Relations and Compliance Office within ten (10) working days after the Vice President/Dean receives the report from the Employee Relations and Compliance Office, unless the Vice President/Dean requires additional time for further investigation for other good cause. The Vice President/Dean may provide the report to other university officials, as he or she deems appropriate. The Vice President's/Dean's decision under these procedures unless another appeal is provided by university policy.

The Employee Relations and Compliance Office will:

1. Respond to every complaint of discriminatory harassment;
2. Act impartially whether an investigation is conducted or not, act impartially considering the interests of all parties;
3. Information regarding an allegation of discriminatory harassment and the parties involved is kept as confidential as possible and shared only with those who have a legitimate reason to know;
4. In the case of formal complaints that are not resolved through mediation, issue a report to the respondent, the complainant, and the relevant Vice President/Dean containing findings and conclusions, and recommending appropriate action depending upon the circumstances. If a faculty member is the respondent, a copy of the report also be issued to the University Provost.

**RESPONSIBILITIES**

**SUPERVISORY RESPONSIBILITY**

Responsibilities of those in a Supervisory Capacity: Vice Presidents, deans, department heads, managers, supervisors, Resident Directors, and Resident Assistants are responsible for communicating the university's policy on discriminatory harassment and are obligated to take action when they observe or hear of incidents that violate this policy. A supervisor must:

1. Provide information regarding the university's Discriminatory Harassment Policy and offer options for addressing a complaint.
2. Take action suitable to the circumstances, which may include among other things, talking to persons involved or witnesses, examining other evidence, and arranging for training through the Employee Relations and Compliance Office at (502) 852-6688 or (502) 852-6538.
3. Contact the Employee Relations and Compliance Office at (502) 852-6688 or (502) 852-6538, for assistance or to refer matters that have not been resolved.
4. Ensure that persons who have raised concerns of discriminatory harassment in good faith are not subject to retaliation.
5. Monitor situations that have been addressed, and follow-up if necessary.
6. Record the complaint and submit to Employee Relations and Compliance. Include any action that was taken.

**Note: Those in a supervisory capacity who do not appropriately handle reports or incidents of discriminatory harassment, or fail to report them to the Employee Relations and Compliance Office, may be subject to disciplinary action.**

**TRAINING AND EDUCATION**

Education and training are fundamental to maintaining an environment free of discriminatory harassment. Managers, supervisors, deans, directors, and department heads in a supervisory capacity are responsible for informing those employees who are under their direction or supervision of this policy. Student Life administrators are responsible for providing this information to the student body.

The Employee Relations and Compliance Office is responsible for providing educational and training programs to assist members of the university community in understanding what discriminatory harassment is and is not, and how to address behavior that violates this policy. Specifically, the Employee Relations and Compliance Office will provide copies of this policy to all schools, departments and programs at the university, and will give workshops and seminars on this subject. The Employee Relations and Compliance Office will maintain a brochure that explains in simple, understandable terms the university's policy and procedures concerning discriminatory harassment, and will provide copies of the brochure in Human Resources and at other offices to which persons are likely to go for counseling and advice regarding discriminatory harassment.

Questions about this policy should be directed to the Director of Employee Relations and Compliance.

Acknowledgment: The University of Louisville would like to thank Dr. Karen Holt, Office of Equal Opportunity Programs, University of Virginia at Charlottesville, for assistance and permission to use portions of the University of Virginia's policy on Discriminatory Harassment. Nothing herein overrides existing university policy, or circumscribes the authority of the university to establish policy that is not otherwise contrary to law.

**TRAINING:**

**To schedule training, please contact the Employee Relations and Compliance Office at (502) 852-6688 or (502) 852-6538.**

**HISTORY**

Revision Date(s): October 7, 2015  
 Reviewed Date(s): March 8, 2016

**ADMINISTRATIVE AUTHORITY**

Sr. VP for Finance and Administration and CFO/COO

**RESPONSIBLE UNIVERSITY DEPARTMENT/DIVISION**

Human Resources  
 1980 Arthur Street  
 Phone: 502-852-3167  
 Email: [hrhelp@louisville.edu](mailto:hrhelp@louisville.edu)

The University Policy and Procedure L is updated regularly. In order to ensure a copy of this document is current, please check online at <http://louisville.edu/policies>.