



# UNIVERSITY OF NORTH ALABAMA

## Employee Policy Manual and Handbook

### **EQUAL EMPLOYMENT OPPORTUNITY POLICY AND HARASSMENT POLICY**

The University of North Alabama is expressly committed to maintaining and promoting nondiscrimination in all aspects of recruitment and employment of individuals at all levels throughout the University. UNA policies prohibit, and will not tolerate, discrimination in any personnel actions, programs, and facilities on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, disability unrelated to job performance, age, veteran status, or genetic or family medical history in compliance with federal law, including the provisions of Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, the ADA Amendments Act of 2008, the Vietnam Era Veterans Readjustment Assistance Act of 1974 as amended by the Jobs for Veterans Act, and the Uniformed Services Employment and Reemployment Rights Act, as amended, and the Genetic Information Nondiscrimination Act of 2008. Requests for information, inquiries or complaints should be directed to these offices: Vice President for Diversity, Equity, and Inclusion, or Assistant Vice President for Human Resources or their designees.

This statement on nondiscrimination must appear in all University publications that relate to employment.

#### **Individuals with Disabilities**

UNA is committed to equal opportunity and access for people with disabilities. In compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, UNA does not exclude qualified persons with disabilities from participating in employment opportunities and university programs and activities.

The [ADA Compliance Statement](#) provides information about accommodations for faculty and staff.

#### **Harassment**

It is important that university faculty and staff enjoy an environment free from implicit and explicit behavior used to control, influence, or affect the well-being of any member of our community. Harassment of any individual based on race, sex, sexual orientation, gender identity, color, religion, national origin, age, disability unrelated to job performance, veteran status, or genetic information is unacceptable and grounds for disciplinary action, and also constitutes a violation of federal or state law.

#### **Sexual Harassment**

Sexual harassment is a form of sex discrimination. Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (a) and/or (b), below, are present.

Gender-based harassment includes harassment based on gender, sexual orientation, or gender identity, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (a) and/or (b), below, are present.

- a) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or is used as the basis for university decisions affecting the individual (often referred to as "quid pro quo" harassment); or

- b) Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
- The frequency, nature and severity of the conduct;
  - Whether the conduct was physically threatening;
  - The effect of the conduct on the reporting party's mental or emotional state;
  - Whether the conduct was directed at more than one person;
  - Whether the conduct arose in the context of other discriminatory conduct;
  - Whether the conduct unreasonably interfered with the reporting party's work performance;
  - and
  - Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

#### **Discriminatory Harassment of a Non-Sexual Nature**

The same principles related to sexual harassment also apply to harassment on the basis of any characteristic that is protected by law. Thus, UNA's policy prohibits discriminatory harassment of a non-sexual nature, which includes verbal, physical, or graphic conduct that denigrates or shows hostility or aversion toward an individual or group on the basis of race, color, religion, sex, national origin, disability unrelated to job performance, veteran status, genetic information, or other status protected by applicable law and that has the effect of creating an intimidating, hostile, or offensive employment, educational, or living environment; or has the effect of unreasonably interfering with an individual's work performance. UNA also adopts these principles with regard to discrimination or discriminatory harassment on the basis of sexual orientation and gender identity.

Prohibited behavior includes non-academic remarks or actions of a non-sexual nature that are severe or persistent or pervasive and objectively offensive sufficient to limit or deny an individual of their rights to employment.

#### **Complaint Procedure**

Complaints of alleged harassment or discrimination may be reported in several ways. Such behavior should be reported to the department chair, dean, director, or their direct supervisor or the appropriate Executive Council member; however, if not appropriate, then to the Assistant Vice President of Human Resources (or his/her designee) or to the Ombudsman. The complaints will be promptly and thoroughly investigated, and the results will be communicated to the reporting party, as appropriate.

Every effort will be made to keep all complaints (and their details) as confidential as possible, but with any investigation, often some disclosure is inevitable. Any supervisor having knowledge or information of harassment or discrimination gained through direct, indirect, or informal means should report such to the next appropriate supervisor or administrative level.

### **Applicability of Policy**

In determining whether the conduct at issue is sufficient to constitute harassment or discrimination in violation of this policy, the conduct will be analyzed from the objective standpoint of a "reasonable person" under similar circumstances. No violation of the policy should be found if the challenged conduct would not create a hostile environment (i.e., substantially affect the work environment of a "reasonable person.")

All harassing conduct prohibited by this policy, whether committed by faculty, staff, or administrators is strictly prohibited and will bring prompt and appropriate disciplinary action, including possible termination of employment. This policy shall apply to any university-sponsored event or program, whether on or off campus, or other situations in which an individual is acting as a member of the UNA community.

The level of discipline imposed will depend upon the severity and pervasiveness of the conduct, which may be determined by the existence of prior incidents of harassment or discrimination. Depending upon the severity of the offense, however, a single violation of this policy may be sufficient for termination of employment.

### **Prohibition Against Retaliation**

Retaliation against an individual who, in good faith, complains about or participates in an investigation of an allegation of discrimination or harassment is prohibited. Any individual who feels he or she has been retaliated against, or has been threatened with retaliation, should report that allegation immediately to the Assistant Vice President for Human Resources or his/her designee.

This policy is not applicable to student employees. A policy for student employees is provided in the [Student Handbook](#).

*Approved by the Shared Governance Executive Committee and President Kitts, 04/22/2020*