

Equal Opportunity and Non-Discrimination Policy

Date

8/21

Item

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I. Policy Statement

The University of Southern Indiana (“University” or “USI”) embraces and celebrates the many differences that exist among the members of a dynamic, intellectual and inclusive community, and strives to maintain an environment that respects differences and provides a sense of belonging and inclusion for everyone. Any form of unlawful discrimination will not be tolerated. The University is prepared to take prompt action to prevent and correct behavior that violates this Policy and to remedy its effects.

This Policy prohibits all forms of unlawful discrimination and inappropriate conduct toward a University employee (i.e., non-students) on the basis of race, color, religion, sex, pregnancy or marital status, national origin, age (40 or older), disability, genetic information, sexual orientation, gender identity, veteran status or any other category protected by law or identified by the University as a protected class. For faculty, administrators and support staff, compliance with this Policy is a term and condition of employment with the University.

This policy is in addition to the University’s Sexual Harassment Policy, which, consistent with Title IX of the Educational Amendments Act of 1972 and its implementing regulations, prohibits discrimination based on sex, including Sexual Harassment, in the University’s education programs and activities, including, but not limited to, admission and employment. For information about the University’s prohibition of unlawful discrimination based on sex, including Sexual Harassment, see the University’s Sexual Harassment Policy. Additionally, for information about the University’s prohibition of unlawful discrimination against students based on protected statuses other than sex, see the University’s Student Code of Conduct.

II. Inappropriate Conduct

This Policy applies to all unlawful discrimination and inappropriate conduct against members of any category protected by law or identified by the University as a protected class. Inappropriate conduct may include, among other things:

1. Epithets, slurs, stereotyping, or threatening, intimidating, or hostile acts that relate to any protected class; and
2. Written or graphic material (including in text messages or on social networking sites) that shows hostility or aversion toward an individual or group because of a protected class.

Specifically, the University is committed to providing a workplace free of inappropriate conduct of a sexual nature. Such conduct may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Such conduct also may include, among other things:

1. Unsolicited and unwelcome comments or conduct of a sexual nature or that are demeaning to women or men as a group (for example, offensive or vulgar jokes, name-calling, comments about one's body or sex life, stereotyping based on a person's sex, touching, leering, ogling, patting, pinching, indecent exposure, physical gestures, or displaying sexually explicit photographs or objects that interfere with a reasonable person's work);
2. Unsolicited and unwelcome demands or requests for sexual favors or social or sexual encounters;
3. An explicit or implicit promise of preferential treatment with regard to a person's employment in exchange for sexual favors or sexual activity; and
4. The use of a person's submission to or rejection of sexual conduct as the basis for making, influencing, or affecting an employment decision that has an impact upon the terms and conditions of the individual's employment (for example, hiring, firing, promotion, demotion, compensation, benefits, or working conditions).
5. Given the nature of this type of conduct and the serious effects such conduct can have on the target of the conduct and the one accused of the conduct, the University treats alleged violations of this policy seriously and, to the extent possible, confidentially. The University expects all employees to treat alleged violations and those affected by them in a responsible and respectful manner. Please help the University maintain a comfortable work environment free from inappropriate and offensive conduct of any type irrespective of whether the conduct is unlawful.

III. Accommodations

The University takes appropriate steps to provide reasonable accommodation to qualified individuals with disabilities so long as doing so does not cause an undue hardship. The University also takes appropriate steps to provide reasonable accommodations upon request to employees whose religious beliefs or restrictions create a conflict with the University's policies, practices, or procedures, so long as doing so does not cause an undue hardship.

IV. Affirmative Action Officer

The Affirmative Action Officer oversees the University's compliance with the applicable federal and state laws described above. The Affirmative Action Officer may designate other University personnel or external consultants to assist and support compliance efforts or to act as a designee in cases of conflict of interest or in other situations where a designee is deemed necessary to maintain the University's compliance under this Policy.

Affirmative Action Officer:

Chelsea Keaton
Title IX Coordinator and Affirmative Action Officer
Wright Administration Building, Forum Wing, Room 171A
8600 University Boulevard
Evansville, Indiana 47712
812-464-1703
cckeaton@usi.edu

V. Definitions

1. **Protected Class:** A protected class is a group of people protected from unlawful discrimination by federal or state law or by University policy. Examples of protected classes under this Policy include but are not limited to: race, color, religion, sex, pregnancy or marital status, national origin, age (40 or older), disability, genetic information, sexual orientation, gender identity and veteran status. It is possible for an individual to be a member of more than one protected class (e.g., an Asian-American with a disability, a female member of the Jewish faith).
2. **Discrimination Based on Protected Class:** Discrimination occurs when an individual or individuals are treated unfavorably because of their actual or perceived identification with a particular protected class or classes. Discrimination can also occur when the victim and the person(s) engaging in the discrimination share the same protected class or classes. Examples of discrimination include but are not limited to: (1) failing to provide reasonable accommodations to students, staff or visitors with disabilities; (2) making employment decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals who are members of a protected class; or (3) denying employment opportunities to a person based on the person's marriage to, or association with, an individual who is a member of a protected class.

Harassment, when based on an individual's actual or perceived identification with a particular protected class or classes, is a form of discrimination. Such harassment can be physical, written, verbal, or visual and other nonverbal actions; and can be committed by employers, faculty, administrators, support staff, co-workers, students and third parties. To be unlawful, harassment must be unwelcome and so severe or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work because it creates an objectively offensive working environment. The University does not, however, condone or tolerate any inappropriate behavior based on any protected class.

VI. Internal Reporting Procedure

An employee who believes that they or another is being subjected to behavior inconsistent with this Policy must immediately report those concerns to the Affirmative Action Officer. If the concern relates to the Affirmative Action Officer, the employee may report the concerns to the Vice President for Finance and Administration. Upon receipt of a report of behavior inconsistent with this Policy, the Affirmative Action Officer and the Deputy Civil Rights Coordinator, or the Affirmative Action Officer's designees or other appropriate administrators, will investigate the report. The report and investigation will be kept confidential to the extent feasible. The investigation may include but is not necessarily limited to interviewing the person who made the report, the person about whom the report was made, and any potential witnesses, and gathering any pertinent evidence. The University will endeavor to complete its investigation into any report within 30 calendar days of receipt of the report.

Additionally, if the concerns relate to inappropriate conduct based on sexual harassment, an employee also may report those concerns pursuant to the reporting procedures outlined in the University's Sexual Harassment Policy. The Sexual Harassment Policy describes the procedures the University will follow to investigate and resolve reported violations of it.

VII. Retaliation Prohibited

No action will be taken against an employee who makes a good faith report of behavior reasonably believed to violate this Policy. Concerns will be investigated and appropriate action taken. Any attempt by faculty,

administrators, support staff or students to penalize, intimidate or to otherwise retaliate against an individual who is participating in the investigation of alleged violations of this Policy is prohibited and subjects the one who has retaliated to possible disciplinary action, up to and including termination or removal from the University. Any person who believes that someone has been subjected to retaliation for making a complaint or for cooperating in an investigation should promptly contact the Affirmative Action Officer or designee.