



UNIVERSITY of
LOUISIANA
L A F A Y E T T E

NON-DISCRIMINATION POLICY

Policy #	HR.001.1
Responsible Executive:	Vice President for Administration and Finance
Responsible Office:	The Office of Human Resources
Originally Issued:	8/13/2020
Latest Revision:	8/13/2020

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I. Policy Statement

Pursuant to this Policy, the University of Louisiana at Lafayette (“University”) is committed to creating and maintaining a work environment in which dignity, decency, and respect are the hallmarks of its culture. The environment of the University should embody a sense of mutual trust and be free of *Intimidating*, oppressive, and exploitative behavior.

The University shall not discriminate on the basis of race, color, national origin, age, religion, sex, sexual orientation, disability, genetic information, veteran or military status, or retirement status in admission to, access to, treatment in, or employment in its programs and activities as required by Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, the Equal Pay Act of 1963, Title IX of the Education Amendments of 1972, Executive Order 11246, Section 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Genetic Information Nondiscrimination Act of 2008, and the 1990 Americans With Disabilities Act, and amendments thereto.

Employees and students are entitled to work and learn in a safe and stimulating atmosphere. This is essential to the mission of the University. For that reason, the University will not tolerate *Discrimination*, *Discriminatory Harassment*, or *Retaliation*. Through enforcement of this Policy and by education, the University community will seek to prevent, correct, and discipline behavior that violates this Policy.

The following person has been designated to handle inquiries regarding this Policy:

Paul Thomas, SPHR
Chief Human Resources Officer
EEO and Title IX Officer
P. O. Box 40196, Buchanan Hall Room 302
University of Louisiana at Lafayette
Lafayette, LA 70504
(337) 482-2921

Inquires regarding this Policy may be directed to the Office of Human Resources at 337-482-2921 or hrcompliance@louisiana.edu.

II. Purpose of Policy

This Policy provides information regarding the University's prevention and education efforts related to *Discrimination* and *Discriminatory Harassment*. This Policy also explains how the University will proceed once it is made aware of the allegations of prohibited conduct in keeping with the University's obligation of Title VI, Title VII, Title IX, and other applicable laws.

Through this Policy and the mandatory associated training required for all employees, the University seeks to:

- Unequivocally state intolerance for *Discrimination* and *Discriminatory Harassment*;
- Identify the broad scope of such prohibited behavior;
- Establish an effective, uniform reporting and investigative process;
- Require prompt action to protect against recurrence of the prohibited behavior;
- Ensure resolution that imposes appropriate remedies and or sanctions;
- Protect complainants and individuals involved in the investigative process from retaliation; and
- Respect confidentiality and the privacy rights of employees.

PROHIBITED CONDUCT

1. Discrimination

This Policy prohibits *Discrimination* in the provision of employment opportunities, benefits, and privileges. *Discrimination* in the workplace or learning environment involves conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of a *Protected Characteristic* or *Protected Status*.

Examples of *Discrimination* include, but are not limited to, the following:

- Denying or granting promotions or other advancement opportunities based on an individual's protected status;
- Granting preference in education or employment based on an individual's protected status;
- Assigning grades based on an individual's protected status;
- Making work assignments based on an individual's protected status; and/or
- Denial of leave based on an individual's protected status.

2. **Discriminatory Harassment**

This Policy prohibits *Discriminatory Harassment*. Examples of *Discriminatory Harassment* include, but are not limited to, the following:

- Verbal threats, offensive jokes, epithets, derogatory comments, ridicule, mockery, or slurs;
- Gratuitous visual displays such as posters, photographs, cartoons, drawings, or gestures; and/or
- Unwanted physical contact such as touching, *Intimidation*, or blocking normal movement.

3. **Retaliation**

This Policy prohibits *Retaliation*. The University will take strong responsive action against any *Retaliation*. *Retaliation* will be grounds for a separate violation of the University of Louisiana System Policy on Preventing and Addressing Retaliation (Policy Number: M-(12)).

III. **Applicability**

This Policy applies to faculty, staff, administrators, student employees, individuals affiliated with the University by contract or otherwise (including, but not limited to, non-employees, such as vendors and independent contractors, volunteers, student organization advisors), and visitors. This Policy may include conduct that has taken place on or off campus.

IV. **Definitions**

Where starred (*), the terms listed herein are defined as stated in the University of Louisiana System Policy Prohibiting Workplace and Sexual Harassment, Discrimination and Retaliation (M-11a).

1. **Appeal**: is the process by which *Complainant* or *Respondent* may challenge the *Investigative Finding* and/or sanction(s).

2. **Complaint (*)**: is an allegation of *Discrimination* and/or *Discriminatory Harassment*, filed in accordance with this Policy and the Procedures for Reporting and Responding to Violations of the Non-Discrimination Policy.
3. **Complainant**: is a person who submits a *Complaint* alleging a violation of this Policy
4. **Complaint Process**: is the process (formal, informal, or both) by which *Complaints* of *Discrimination* or *Discriminatory Harassment* in violation of this Policy are made to the University and are addressed by the University through a formal or informal processes (as appropriate).
5. **Discrimination (*)**: is the inequitable treatment of an individual based on his or her *Protected Characteristic* or *Status* rather than individual merit.
6. **Discriminatory Harassment**: is any unwelcome conduct directed against a person based on one or more of a person's *Protected Characteristics* or *Protected Status* which is so severe or pervasive that it creates an intimidating, hostile or offensive environment. *Discriminatory Harassment* is defined as verbal or physical conduct that is directed at an individual or group because of a *Protected Characteristic* or *Protected Status* when such conduct is sufficiently severe or pervasive so as to have the purpose or effect of interfering with an individual's or group's work performance or of creating a hostile academic or work environment. *Discriminatory Harassment* becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Examples of *Discriminatory Harassment* include, but are not limited to:
 - a. *Verbal Discriminatory Harassment*; and
 - b. *Nonverbal Discriminatory Harassment*.
7. **Initial Assessment**: is, after a report or *Complaint* of *Discrimination* and/or *Discriminatory Harassment*, the initial determination made by the Director, Human Resources Compliance and Equal Employment Opportunity ("EEO") Programs of whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted based on the alleged conduct.
8. **Interim Protective Measures**: are temporary actions taken by the University to ensure equal access to the workplace and foster a more stable and safe environment during the process of reporting, *Investigation*, and/or adjudication.
9. **Interference**: is concealing, withholding, obfuscating, or providing false or misleading information during the course of an investigation. Interference also includes encouraging, intimidating, or coercing another to conceal, withhold, obfuscate, or provide false or misleading information during an investigation. This includes soliciting or encouraging witness statements or testimony, collecting evidence, or instructing a third party to do so, except when specifically directed by the investigator.

10. **Intimidation**: is to place another person in reasonable fear of harm, reprisal, or adverse actions through the use of threatening words and/or other conduct.
11. **Investigation**: is an impartial ascertaining of the facts related to the allegations of *Discrimination* and/or *Discriminatory Harassment*, including interview of the parties and witnesses, as well as gathering available documents and other evidence. The *Investigation* is conducted by an investigator appointed by the Director, Human Resources Compliance and EEO Programs.
12. **Investigative Finding**: is a formal judgment rendered on whether a Policy violation has occurred, based on the *Investigation*.
13. **Nonverbal Discriminatory Harassment**: is the distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility, aversion, or disrespect toward an individual or group because of *Protected Characteristic/Status*.
14. **Protected Characteristics/Status (*)**: race, color, sex, religion, sexual orientation, national origin, disability, genetic information, age, veteran [or military status], or retirement status.
15. **Respondent**: is the person alleged to have engaged in *Discrimination* and/or *Discriminatory Harassment* in violation of the Policy.
16. **Retaliation (*)**: any adverse action(s) taken against an individual as the result of a complaint of *Discrimination* or *Discriminatory Harassment* or who may have participated in an investigation of *Discrimination* or *Discriminatory Harassment*. *Retaliation* includes overt or covert acts of reprisal, *Interference*, restraint, penalty, *Discrimination*, *Intimidation*, or *Discriminatory Harassment* against an individual or group exercising rights under this Policy.
17. **Verbal Discriminatory Harassment**: is comments or words that are offensive and unwelcome regarding a person's *Protected Characteristics/Status*, including epithets, slurs, and negative stereotyping.
18. **Voluntary Resolution**: is an outcome of a report or *Complaint* willingly agreed to by *Complainant*. It is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preferences of *Complainant* and the safety and welfare of the campus community. If *Voluntary Resolution* involves either notification to or participation by *Respondent*, it is *Respondent's* decision whether to accept *Voluntary Resolution*.

V. Policy Procedure

The Procedures for Reporting and Responding to Violations of the Non-Discrimination Policy addresses how the University handles allegations of *Discrimination* or *Discriminatory Harassment* in violation of this Policy and details the methods to administratively report and address complaints

of *Discrimination, Discriminatory Harassment, or Retaliation* in keeping with the University's values and in order to meet the legal obligations pursuant to applicable laws.

A. REPORTING REQUIREMENTS

An individual who feels they have been subjected to *Discrimination* or *Discriminatory Harassment* in violation of this Policy should report the incident to any University official, administrator, or supervisor. Faculty, staff, and student workers are encouraged to report to the Director, Human Resources Compliance and EEO Programs. Employees who become aware of any conduct that they believe may constitute *Discrimination* or *Discriminatory Harassment*, have an obligation to report that conduct to the Director, Human Resource Compliance and EEO Programs, regardless of whether they are personally involved in the conduct and regardless of whether the conduct involves other employees or students, vendors, or others in the work environment. Furthermore, all University employees serving in a supervisory role who personally observe or receive a report of possible violations of this Policy are required to report said violations to the Director, Human Resource Compliance and EEO Program

Employees are not required to report or make a *Complaint* of *Discrimination* or *Discriminatory Harassment* to the person who is engaging in the problematic conduct.

B. COMPLAINT PROCESS

The University will courteously treat any person who invokes the *Complaint Process* and handle all *Complaints* swiftly and as confidentially as possible in light of the need to take appropriate action. Lodging a *Complaint* will in no way be used against an individual or have an adverse impact on the individual's employment status. Aggrieved individuals are strongly urged to use this procedure.

Individuals making a *Complaint* will be asked to submit a written, signed *Complaint* to the Director, Human Resources Compliance and EEO Programs with sufficient details to determine whether this Policy may have been violated. A *Complaint* Form may be obtained from the Office of Human Resources website.

When a report of conduct is received which alleges *Discrimination* or *Discriminatory Harassment* in violation of this Policy, the Director, Human Resources Compliance and EEO Programs shall conduct an initial assessment of the allegation(s) to determine the appropriate resolution process.

VI. Enforcement

The Chief Human Resources Officer is responsible for enforcement of this Policy. Following a prompt and thorough investigation, sanctions for violations of this Policy may include, but are not limited to, disciplinary action up to termination of employment, verbal or written reprimand, suspension, rescission of contractual relationship, ban from campus, and other sanctions deemed appropriate by the Chief Human Resources Officer.

VII. Policy Management

Upon adoption, the Vice President for Administration and Finance shall be the Responsible Executive for this Policy in charge of the management of this Policy. The Chief Human Resources Officer is the Responsible Officer for this Policy. The Office of Human Resources is the Responsible Office for this Policy.

VIII. Exclusions

N/A

IX. Effective Date

This Policy shall apply to all incidents that are reported on or after the date of adoption of this Policy.

X. Adoption

This Policy is hereby adopted on 8/13/2020.

DocuSigned by:

Joseph Savoie

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Dr. E. Joseph Savoie
President

XI. Appendices, References and Related Materials

- ✦ Procedures for Reporting and Responding to Violations of the Non-Discrimination Policy
- ✦ Complaint Form
- ✦ Office of Human Resources, EEO, and Title IX Investigative Resource Guide
- ✦ [Policy on Sexual Harassment and Other Prohibited Sexual Conduct \(Policy HR.005.1\)](#)
- ✦ University Code of Conduct and Ethical Behavior Policy (Policy HR.002.1)
- ✦ [University of Louisiana System Policy on Preventing and Addressing Retaliation \(Policy No.: M-\(12\)\)](#)

XII. Revision History

- ✦ Original adoption date of Policy: Policy on Nondiscrimination, as listed in the Affirmative Action/Equal Employment Opportunity undated document.
- ✦ This Policy replaces:

- The Policy on Nondiscrimination, as listed in the undated Affirmative Action/Equal Employment Opportunity document.

✦ This Policy does not replace:

- The Affirmative Action/Equal Employment Opportunity Policy, as listed in the undated Affirmative Action/Equal Employment Opportunity document.

✦ Adoption of Non-Discrimination Policy: 8/13/2020 (HR.001.1).