



HRM-009: Preventing and Addressing Discrimination and Harassment

Date: 04/08/2008 Status: Final

Last Revised: 09/07/2021

Policy Type: University

Contact Office: Equal Opportunity and Civil Rights (Office for), Diversity, Equity & Inclusion (College at Wise), (Office for), Human Resources Department (College at Wise).

Oversight Executive: President of the University

Applies To:

Academic Division, the Medical Center, and the College at Wise. Specifically, current and former employees of the University, students, and third-parties, e.g., applicants for admission or employment, participants in University programs or activities, customers for services, vendors, contractors, and volunteers.

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Reason for Policy:

The University is committed to providing a workplace and educational environment, programs, and activities free of discrimination and harassment. This policy does not allow curtailment or censorship of constitutionally protected expression.

Definition of Terms in Statement:

- Complaint:

Allegation(s) of discrimination, harassment and/or retaliation, filed in good faith and in accordance with EOCR's Preventing and Addressing Discrimination, Harassment and Retaliation Complaint Procedures.

- Discrimination:

Inequitable treatment by the University of a person based on one or more of that person's protected characteristics or statuses, excepting any treatment permitted or required by law.

- Protected Characteristics/Statuses:

Age, color, disability, family medical or genetic information, gender identity or expression, marital status, military status (which includes active duty service members, reserve service members, and dependents), national or ethnic origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, and veteran status.

- Harassment:

Unwelcome conduct directed against a person based on one or more of that person's protected characteristics or statuses, which conduct is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in University programs or activities, and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

- Just Report It:

The University's [online reporting tool](#) for members of the University community to report of alleged Prohibited Conduct and PADHR Conduct, as well as bias and other forms of misconduct.

- Responsible Employee:

Any employee of the University who is not a Confidential Employee.

For purposes of a reporter disclosing alleged acts of Prohibited Conduct and/or PADHR Conduct involving only University employees, Responsible Employees are: (1) any employee of the University who is not a Confidential Employee; and (2) is a supervisor, manager, human resources professional, or any University employee who has authority to institute corrective measures.

For purposes of a reporter disclosing alleged acts of Prohibited Conduct and/or PADHR Conduct involving a student at the University, Responsible Employees are any employee of the University who is not a Confidential Employee.

Responsible Employees include Teaching Assistants (TAs), Resident Advisors (RAs), and all other student-employees when disclosures are made to any of them when performing the duties of their employment/professional role.

- Confidential Employee:

(1) Any University employee who is a licensed medical, clinical, or mental health, or other healthcare professional [e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision (collectively, health care providers)], when performing the duties of that professional role; (2) any University employee when performing administrative, operational and/or related support for such health care providers; (3) any University employee who is an Athletic Trainer working under the supervision of a licensed medical or healthcare professional when performing the duties of that professional role; and (4) the University Ombuds when performing the duties of that professional role.

- Supervisor:

Any person who has authority to undertake or recommend tangible employment decisions affecting an employee or academic decisions affecting a student; or to direct an employee's work activities or a student's academic activities. Examples include faculty members to whom work-study students report and team lead workers who, from time to time, monitor other employees' performance or direct their work.

- University:

As used throughout this policy, “University” refers to the University of Virginia, including its Medical Center and the College at Wise.

Policy Statement:

The University will not tolerate discrimination or harassment in the workplace, academic setting, or in its programs or activities based on age, color, disability, family medical or genetic information, gender identity or expression, marital status, military status (which includes active duty service members, reserve service members, and dependents), national or ethnic origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or veteran status. This policy is intended to be consistent with applicable federal and state laws and state and University policies. The University's Office for Equal Opportunity and Civil Rights (EOCR) is responsible for enforcing this policy on behalf of the University and maintains complaint procedures that offer options for informal and formal resolution.

Effective March 30, 2015, this policy does not address **sexual assault, sexual exploitation, intimate partner violence, stalking, or sexual or gender-based harassment**. Those categories of prohibited conduct are now governed by HRM-041: Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence (Sexual Misconduct Policy) that outlines reporting options and explains how the University assesses, investigates, and resolves reports of such prohibited conduct against students and employees. The Sexual Misconduct Policy also establishes two sets of procedures for responding to reports and formal complaints - the Grievance Process for Investigating and Resolving Reports of Title IX Prohibited Conduct (Grievance Process) (Appendix A) and the Procedures for Investigating and Resolving Reports of Sexual and Gender Based Prohibited Conduct (Procedures) (Appendix B). The Sexual Misconduct Policy and related procedures supersede any conflicting information contained in this policy or the Preventing and Addressing Discrimination, Harassment, and Retaliation (PADHR) Complaint Procedures with respect to the conduct prohibited by the Sexual Misconduct Policy.

All University employees are responsible for successfully completing the University's online non-discrimination, anti-harassment, and anti-retaliation training at least every two years.

For reports of discrimination and harassment (PADHR Conduct) involving only University employees, Responsible Employees, who are also supervisors, are responsible for:

- knowing and understanding this policy;
- explaining this policy and HRM-040: Reporting by University Employees of Disclosures Relating to the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence and the Preventing and Addressing Discrimination and Harassment, and Preventing and Addressing Retaliation Policies (Reporting Policy) to individuals who report PADHR Conduct to them;
- taking appropriate action to prevent PADHR Conduct;
- being receptive to reports of PADHR Conduct;
- reporting potential PADHR Conduct in accordance with the Reporting Policy to the Compliance Director for EOCR or through Just Report It; and
- following up with individuals who submit complaints or reports of PADHR Conduct.

For reports of PADHR Conduct involving a University student, Responsible Employees are required to report PADHR Conduct to the Compliance Director for EOCR or through Just Report It in accordance with the Reporting Policy.

Compliance with Policy:

Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination or expulsion in accordance with relevant University policies.

Questions about this policy should be directed to the Office for Equal Opportunity and Civil Rights, Office for Diversity, Equity & Inclusion (College at Wise), or the Human Resources Department (College at Wise).

Procedures:

A complaint may be filed with EOCR by any current or former employee of the University, current or former University student, or a third-party, e.g., an applicant for admission or employment, or a participant in a University program or activity, who believes they have been discriminated against or harassed in violation of this policy. A complaint must be filed within 300 calendar days of the alleged discrimination or harassment.

This policy as well as the PADHR Complaint Procedures and Complaint Form are accessible online and in printed materials. In addition, EOCR offers information about this policy in the online training module and customized in-person training sessions.

Related Information:

HRM-010: Preventing and Addressing Retaliation

HRM-040: Reporting by University Employees of Disclosures Relating to the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence and the Preventing and Addressing Discrimination and Harassment, and Preventing and Addressing Retaliation Policies (Reporting Policy)

EOCR policies are published throughout the University in printed materials such as EOCR brochures and University catalogs and recruiting materials (student and personnel). For translation of this policy in Chinese, Spanish, or Korean, please refer to the EOCR website page on Language Diversity.

Policy Background:

This policy is based on federal and state laws, including Executive Order 11246, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Virginia Human Rights Act, and the Genetic Information Nondiscrimination Act of 2008, as well as state policy, including the Governor's Executive Order One, the Commonwealth's Department of Human Resource Management (DHRM) Policy 1.60 - Standards of Conduct, DHRM Policy 2.05 - Equal Employment Opportunity, and DHRM Policy 2.30 - Workplace Harassment.

Major Category: Human Resource Management

Next Scheduled Review: 11/10/2023

Approved by, Date: Policy Review Committee, 04/08/2008

Revision History: Updated Policy Statement 9/7/21; Added Compliance section 7/20/21; Updated 11/10/20, 9/3/19; Added contact offices 1/17/19; Updated definition 9/3/15; Updated 10/22/14, 8/29/11; 1/6/11; Consolidates provisions of the University's existing Non-Discrimination Policy (revised and approved October 25, 2001, November 14, 2002), Equal Employment Opportunity Policy (date unknown) and Policy on Discriminatory Harassment (revised as of 2003).

Supersedes (previous policy): Policy on Discriminatory Harassment revised as of 2003.

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