

Standard Practice Guide Policies

Discrimination and Harassment

201.89-1

Applies to: All Faculty and Staff Members

I. POLICY

It is the policy of the University of Michigan to maintain an academic and work environment free of discrimination and harassment for all students, faculty, and staff. Discrimination and harassment are contrary to the standards of the University community. They diminish individual dignity and impede educational opportunities, equal access to freedom of academic inquiry, and equal employment. Discrimination and harassment are barriers to fulfilling the University's scholarly, research, educational, patient care, and service missions. Discrimination and harassment on the basis of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight or veteran's status as set forth in Regents' Bylaw 14.06 (<http://www.regents.umich.edu/bylaws/bylaws14.html#6>) and/or the Nondiscrimination Policy Notice (<http://spg.umich.edu/pdf/201.35.pdf>) will not be tolerated at the University of Michigan.

The University is firmly committed to an environment free of discrimination and harassment as prohibited by this policy and federal and state laws. The University has a compelling interest in assuring an environment in which learning and productive work thrives. At the same time, the University has an equally compelling interest in protecting freedom of speech and academic freedom and in preserving the widest possible dialogue within its instructional and research settings.

A claim under this policy may be brought by the University or by a faculty, staff or student member of the University community. Complaints based on conduct of students who are not acting as employees of the University are addressed in the Statement of Student Rights and Responsibilities, which is administered by the Office of Student Conflict Resolution. Rackham graduate students may also contact Graduate Student Affairs in the Rackham Graduate School. Persons who lodge discrimination or harassment complaints or participate in the investigation of such a complaint are protected from retaliation (e.g., adverse action or consequences) for those actions. Retaliation will not be tolerated at the University of Michigan.

Discrimination and harassment are very serious matters that can have far-reaching, current and future impact on the lives, educational experience, and careers of individuals. Intentionally false accusations can have a similar impact. A person who knowingly and intentionally files a false complaint under this policy is subject to University discipline. Both a person who impermissibly discriminates against another, and a person who knowingly and intentionally files a false complaint under this policy, are subject to University discipline.

II. DEFINITION OF DISCRIMINATION AND HARASSMENT

For the purposes of determining whether a particular course of conduct constitutes discrimination or harassment under this policy, the following definition will be used:

Conduct that is based upon an individual's race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight or veteran's status that:

- A. adversely affects a term or condition of an individual's employment, education, living environment or participation in a University activity;
- B. is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment or participation in a University activity; or
- C. has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a University activity.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities and to accommodate religious practices.

Some examples of conduct that may constitute prohibited discrimination may include, but are not limited to:

- A. Denying a person access to an educational program based on that person's race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight or veteran's status;
- B. Denying raises, benefits, or promotions on the basis of a person's race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight or veteran's status;
- C. Preventing any person from using University facilities or services because of that person's race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight or veteran's status;
- D. Instigating or allowing an environment that is unwelcoming or hostile based on a person's race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight or veteran's status.

Although discrimination and harassment described and prohibited by this policy include a wide range of behaviors, certain discriminatory conduct is addressed elsewhere. For

example, sexual harassment is addressed in SPG 201.89-0 (</policy/201.89-0>) - *Sexual Harassment*.

III. RESPONSE AND PROCEDURES

Prevention and Education. The University is committed to preventing and eliminating impermissible discrimination and harassment of students, faculty, and staff. To that end, this policy will be published on the University's web site. Information regarding discrimination and this policy will be included in orientation materials for new students, faculty, and staff and made available in the Office of Institutional Equity and other appropriate locations on each campus. In addition, appropriate educational sessions will be conducted by the University on an ongoing basis to (1) inform students, faculty, and staff about identifying and preventing discrimination and harassment and the problems they cause, (2) advise members of the University community about their rights and responsibilities under this policy, and (3) train personnel in the administration of this policy.

Assistance with Discrimination and Harassment Concerns. The Office of Institutional Equity is responsible for ensuring and monitoring the University's compliance with federal and state nondiscrimination laws. However, an environment free of impermissible discrimination and harassment is the responsibility of every member of the community.

The University can take corrective action only when it becomes aware of problems.

Therefore, the University encourages persons who believe that they have experienced or witnessed discrimination or harassment as prohibited by this policy to come forward promptly with their inquiries, reports, or complaints and to seek assistance within the University. Individuals also have the right to pursue a legal remedy for discrimination or harassment that is prohibited by law in addition to or instead of proceeding under this policy.

Confidential Counseling. Information about or assistance with discrimination or harassment issues may be obtained from a variety of University resources. Prior to or concurrent with lodging a discrimination or harassment complaint, individuals may find it helpful to consult with a counselor or otherwise seek assistance. The following offices provide advice and support to individuals who believe they are experiencing discrimination or harassment. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Discussions with representatives of these offices will not be considered a report to the University regarding the problematic behavior and will not, without additional action by the complainant, result in intervention or corrective action.

FASCCO – Faculty and Staff Counseling and Consultation Services

(734) 936-8660

<https://hr.umich.edu/fascco> (<https://hr.umich.edu/fascco>)

Michigan Medicine Office of Counseling and Workplace Resilience (Hospital and Health Centers Staff)

(734) 763-5409

<https://hr.umich.edu/michigan-medicine-employee-assistance-program-eap>
(<https://hr.umich.edu/michigan-medicine-employee-assistance-program-eap>)

CAPS – Counseling and Psychological Services (Students)

(734) 764-8312

www.umich.edu/~caps/ (www.umich.edu/~caps/)

SAPAC – Sexual Assault Prevention and Awareness Center (Faculty, Staff and Students)

(734) 998-9368

www.umich.edu/~sapac/ (www.umich.edu/~sapac/)

Office of the Ombuds (Students)

(734) 763-3545

www.umich.edu/~ombuds/ (www.umich.edu/~ombuds/)

University Faculty Ombuds (Faculty)

(734) 763-2707

www.umich.edu/~facombud/ (www.umich.edu/~facombud/)

UM-Dearborn Counseling and Support Services (Faculty, Staff and Students)

(313) 593-5430

http://www.umd.umich.edu/css_support/ (http://www.umd.umich.edu/css_support/)

UM-Flint Student Development Services- Counseling Services (Students)

(810) 762-3456

<http://www.umflint.edu/studentdevelopment/> (<http://www.umflint.edu/studentdevelopment/>)

U-M Flint Faculty Ombuds (Faculty)

(810) 762-3424

www.umflint.edu/provost/faculty_ombuds.htm (www.umflint.edu/provost/faculty_ombuds.htm)

Lodging a Complaint. An individual who wishes to complain to the University about alleged discriminatory or harassing behavior or retaliation should contact a University official, such as a supervisor; Dean, Director or department head; the Office of Institutional Equity; the appropriate Human Resources Office; the Dean of Students (for students); the Dean's Office of the Horace H. Rackham Graduate School (for graduate students). If an employee is represented by a union and the terms of the collective bargaining agreement provide a procedure for pursuing a discrimination or harassment complaint, the terms of the collective bargaining agreement shall prevail. If the complaint is against a student, the complainant may elect to pursue a formal charge through the appropriate student grievance procedure. In addition, any member of the University community may utilize appropriate University resources for guidance and support during the investigation process (e.g., the Faculty and Staff Assistance Program, Counseling and Psychological Services for Students, etc.).

Investigation and Investigation Procedures. The University will handle discrimination and harassment complaints under this policy consistently with procedural guidelines developed to ensure prompt and equitable resolution of such complaints. Complainants and Respondents will be given copies of the procedural guidelines, and the guidelines will also be made readily available to the University community. The matter will then proceed to investigation or other form of effective and fair review. The investigation or review may be performed by the Office of Institutional Equity, or jointly with another office, as determined by OIE.

The purpose of an investigation, which will include interviewing the parties and witnesses, is to gather and assess evidence. During the course of an investigation, the investigating office will work collaboratively with other appropriate University offices. For example, if a faculty member is involved in a complaint, the Office of Institutional Equity would generally work collaboratively with the Office of the Provost; the appropriate Dean, Director or Department Head; and Academic Human Resources. If a staff member is involved in the complaint, the Office of Institutional Equity would work collaboratively with Staff Human Resources, the supervisor, the Unit Human Resources Representative and other appropriate departmental and University officials.

Possible outcomes of an investigation are (1) a finding that the allegations are not warranted or could not be substantiated, (2) a finding that the allegations are substantiated and constitute discrimination or inappropriate behavior and, if so, (3) referral to the appropriate administrative authority for corrective action.

Corrective Action. Corrective action could include a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, a reprimand, denial of a merit pay increase, reassignment, suspension and termination. The severity of the punishment will depend on the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct. A finding of discrimination or harassment under this policy may be cause for the separation of the offending party from the University in accordance with University procedures, including, for qualified faculty, the procedures set forth in Regents' Bylaw 5.09. Every effort will be made to assure University-wide uniformity of

sanctions for similar offenses.

University Action. The University may assume the role of a complainant and pursue a report or complaint, either informally or formally. The University may respond to complaints or reports by persons external to the University community about alleged discriminatory and harassing conduct by University employees. If the accused is a faculty member to whom Regents' Bylaw 5.09 applies, the Provost or executive authority of the relevant unit may initiate the procedures of Bylaw 5.09 at any stage in the process, if the circumstances indicate that such action is warranted.

Retaliation. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an informal resolution or formal investigation of a discrimination or harassment allegation will not be subjected to retaliation. The University also will take appropriate steps to assure that a person against whom such an allegation is made is treated fairly. The University will also take appropriate follow-up measures to assure the goals of this policy are met. Persons who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure for lodging a discrimination or harassment complaint.

The Procedural Guidelines for Handling Discrimination and Harassment Complaints may be found at: <http://www.hr.umich.edu/procedures/spg201-89-0.html> (<http://www.hr.umich.edu/procedures/spg201-89-0.html>)

Notes

Changes were made to this SPG on Feb. 23, 2018 to reflect changes to the names of the University's employee assistance programs: Faculty and Staff Counseling and Consultation Office and Michigan Medicine Office of Counseling and Workplace Resilience.

File Attachments

Printable PFD of SPG 201.89-1, Discrimination and Harassment (https://spg.umich.edu/sites/default/files/policies/201X89-1_1.pdf)

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All Faculty and Staff Members

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University Human Resources and the Office of the Provost and Executive Vice President for Academic Affairs

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Office of Institutional Equity

Related Links:

Regents Bylaw 14.06 (<http://www.regents.umich.edu/bylaws/bylaws14.html>)

Sexual Misconduct Reporting and Resources web site (<http://sexualmisconduct.umich.edu/>)

Hard copies of this document are considered uncontrolled. If you have a printed version, please refer to the University SPG website (spg.umich.edu) for the official, most recent version.

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