
NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

Purpose:

This Policy describes the University's commitment to provide a working and learning environment that is free of unlawful discrimination and harassment and how the University will address such allegations.

Additional Authority:

Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; The Age Discrimination in Employment Act of 1967; the Equal Pay Act of 1963; sections 503 and 504 of the Rehabilitation Act of 1973; The Americans with Disabilities Act of 1990; Title II of the Genetic Information Nondiscrimination Act of 2008; The Vietnam Era Veterans' Readjustment Assistance Act; Executive Order 11246, The Idaho Human Rights Act; as well as other applicable State and Federal laws.

Scope:

This Policy applies to all University employees, students, contractors, vendors, customer, or visitor to the University and anyone participating in a University sponsored activity (collectively "Members of the University Community").

Responsible Party:

, EEO/AA Director 208-426-1979
ADA/Section 504 Coordinator 208-426-1527
Title IX Coordinator 208-426-4407

POLICY

I. Policy Statement

Boise State University ("University") is committed to maintaining a working and learning environment that is free of unlawful discrimination and harassment and in which every employee, student, contractor, vendor, customer, and visitor is treated with dignity and respect. The University strives to create an environment that supports, encourages and rewards career and educational advancement on the basis of ability and performance. Accordingly, the University prohibits to the extent permitted by applicable law, discrimination and harassment against an individual on the basis of that person's race, color, religion, gender, age, sexual orientation, national origin, physical or mental disability, veteran status, genetic information, or any other status protected under applicable federal, state, or local

law.

II. Definitions

- A. **Protected Class:** Protected class is a term used in anti-discrimination law to describe characteristics or factors which cannot be targeted for discrimination and harassment. For purposes of this Policy, the following characteristics are considered “Protected Classes” and, to the extent permitted by applicable law, individuals cannot be discriminated against based on these characteristics: race, color, religion, gender, age, sexual orientation, national origin, physical or mental disability, veteran status, genetic information, or any other status protected under applicable federal, state, or local law .
- B. **Discrimination:** Discrimination occurs when an individual or group of individuals is treated adversely (i.e. denied rights, benefits, equitable treatment, or access to facilities available to all others) based on the individual’s or group’s protected class.
- C. **Harassment:** Harassment is a form of discrimination. Harassment consists of unwelcome behavior that is based upon a person’s protected class. Harassment includes conduct that demeans or shows hostility or aversion toward an individual because of his or her protected class and is sufficiently severe or pervasive to create an intimidating, hostile or offensive environment for academic pursuits, employment, or participation in University sponsored activities. Harassing conduct may be verbal, written, visual or physical in nature. It includes, but is not limited to:
1. Verbal abuse or hostile behavior such as insulting, name calling, teasing, mocking, degrading or ridiculing another person or group;
 2. Conduct that is physically offensive, harmful, threatening or humiliating such as impending or blocking movement, leering or staring;
 3. Unwelcome or inappropriate physical contact such as kissing, hugging pinching, patting, grabbing;
 4. Physical assault or stalking;
 5. Unwelcome or inappropriate sexual advances, flirtations, propositions, requests for sexual favors, comments, questions, epithets or demands;
- D. **Sexual Harassment:** Sexual Harassment is a form of sex discrimination. Sexual harassment is unwelcome sexual advances or behavior which affects employment decisions, makes the job or academic environment offensive or hostile, or unreasonably interferes with work performance or

participation in a University program or activity. For purposes of this policy, sexual harassment includes (in addition to the examples provided above in paragraph C), but is not limited to:

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a) Submission to the conduct is either an explicit or implicit term or condition of employment, basis for participation or advancement in an academic program, or basis for participation in a University activity or benefit, or basis for a vendor, contractor customer's ability to do business with the University;
 - b) Submission to or rejection of such conduct by an individual influences employment decisions affecting the individual such as salary, wages, or performance evaluation, benefits, grade, or academic advancement in the case of an employee or student or business decisions affecting the individual or his/her company in the case of a vendor, contractor or customer; or
 - c) Such conduct has the purpose or effect of interfering with an individual's work performance and is sufficiently severe and pervasive that it creates an intimidating, hostile, or offensive environment.

III. Reporting Responsibilities

A. Management's Prevention and Reporting Responsibilities

1. Members of the University Community who (a) supervise other employees or students, contractors or vendors; (b) teach or advise students; or (c) have management authority related to a University sponsored program or activity must:
 - a) Engage in appropriate measures to prevent violations of this Policy; and
 - b) Promptly notify the Equal Employment Opportunity/Affirmative Action Office after being informed of or having a reasonable basis to suspect that there has been discrimination against, harassment of, or retaliation against a member of the University community; or

- c) Promptly notify the Office of Students Rights and Responsibilities, if the alleged policy violator or the person who is the subject of the conduct is a student.

B. Individual Responsibilities

1. All Members of the University Community are responsible for participating in creating a campus environment free from prohibited discrimination and harassment and for following this policy. The University expects all Members of the University Community to avoid any behavior or conduct that could reasonably be interpreted as unlawful discrimination or harassment.
2. All Members of the University Community are expected to treat each other with courtesy, consideration and professionalism as outlined in the University's Statement of Shared Values.
3. Individuals who observe or are otherwise aware of discrimination, harassment or other inappropriate conduct that could be in violation of this Policy should report such conduct in accordance with this Policy.
4. Members of the University Community are expected to cooperate with the University in any investigation of allegations under this Policy.
5. Individuals who engage in personal social networking or other off-duty activities could violate this Policy if such conduct creates or contributes to an intimidating, hostile or offensive work or campus environment.

IV. Investigation Process

A. Investigating a Complaint

1. Complaints of discrimination or harassment should be brought to the Equal Employment Opportunity/Affirmative Action (EEO/AA) Office or Title IX/Section 504 Compliance Officer, as appropriate. The EEO/AA or Title IX/Section 504 Compliance Officer will initiate an investigation for all complaints of discrimination and harassment, in a manner it deems appropriate, based on the information available. Once an allegation is brought to the University's attention, the University will evaluate the need to investigate and take action, even if the complainant may not want

to commence an investigation.

2. During an investigation, the EEO/AA Office or Title IX/Section 504 Compliance Officer will take appropriate measures to ensure that any alleged discrimination or harassment does not reoccur.
3. The EEO/AA Office or Title IX/Section 504 Compliance Officer has the discretion to engage an outside investigator to conduct the investigation, depending on the circumstances giving rise to the investigation.
4. The parties to the complaint will each have an opportunity to be heard during the investigation, and to provide witnesses and other evidence to the investigator. The parties to the complaint will also be informed of the status of the investigation as deemed appropriate.
5. The University will use its best efforts to complete the investigation within thirty (30) days of the report of discrimination or harassment. Depending on the circumstances and nature of the complaint, extensions of time may be necessary to complete a thorough investigation. If additional time is needed, the University will notify the parties to the complaint of the extension.

B. Investigation Findings

1. The findings of the investigation will be communicated to the parties to the complaint.
2. If based on the investigation the University determines that a violation of the Policy has occurred, the University will take action commensurate with the conduct to ensure that any discrimination, harassment or inappropriate behavior (if any) does not reoccur. The nature of the action and its implementation will depend upon the particular facts and circumstances. Corrective action may include a range of disciplinary measures up to and including immediate termination.
3. If corrective action involves disciplinary action, appropriate disciplinary procedures will be followed. Sanctions imposed may be appealed through the appropriate appeals process depending on the status of the alleged policy violator.

V. Confidentiality

Confidentiality of complaints will be maintained on a “need to know” basis to the extent permitted by the circumstances and applicable law, and consistent with the University’s obligations to thoroughly investigate the incident and

circumstances

VI. Retaliation

- A. The University prohibits any retaliation against an individual (by any Member of the University Community) who has made a good faith complaint under this policy or anyone who has cooperated in good faith in the investigation of a complaint. The University will take every step necessary to protect the complainant and any witnesses against retaliation for bringing a complaint or for participating in its investigation.
- B. Any Member of the University Community who retaliates against an individual who complains of or witnesses discrimination or harassment or participates in the investigation of a complaint will be subject to appropriate disciplinary action.
- C. Complaints of retaliation should be reported under the reporting procedures set forth in this Policy.

VII. Consequences of Policy Violations

Any Member of the University Community who violates this policy will be subject to appropriate disciplinary action which in the case of an employee may include disciplinary action up to and including termination of employment.

VIII. Contact Information

EEO/AA Director
1910 University Drive
Administration Building, Suite 215D
Boise, ID 83725-1265
208-426-1979

ADA/Section 504 Coordinator
1910 University Drive
NORCO Building, Room 116Boise, ID 83725-1370
208-426-3489

Title IX Coordinator
1910 University Drive
Math/GeoScience, Suite 206
Boise, ID 83725-1002
208-426-4407
<http://president.boisestate.edu/generalcounsel/titleix/>