

## CONFIDENTIALITY

All complaints of sexual harassment and other forms of unlawful discrimination shall be considered confidential and only those persons necessary for the investigation and resolution of the complaint will be given any information. The University takes these matters seriously and will respect, to the extent possible, the confidentiality of the individual reporting concerns, the individual against whom the allegations have been reported, as well as others who may be involved in any review of these allegations. This is consistent with the University's legal obligations to protect the rights and safety of its employees and students.

### FOR ADDITIONAL INFORMATION:

<http://www.uwyo.edu/reportit/>

The University of Wyoming does not discriminate on the basis of sex in its education programs and activities, consistent with Title IX that requires it not to discriminate in such a manner. To report a complaint, contact the Title IX Coordinator:

### **Jim Osborn, Manager of Investigations Equal Opportunity Report and Response**

Bureau of Mines, Room 320  
Laramie, WY 82071  
307-766-5200  
[report-it@uwyo.edu](mailto:report-it@uwyo.edu)  
[www.uwyo.edu/diversity/eorr](http://www.uwyo.edu/diversity/eorr)

*Persons seeking admission, employment, or access to programs at the University of Wyoming shall be considered without regard to race, color, religion, sex, national origin, disability, age, veteran status, sexual orientation, or political belief.*



## WELCOME TO THE UNIVERSITY OF WYOMING

Employees, students, and visitors should feel confident that issues relating to sexual harassment and other forms of discrimination will be given appropriate attention in the Equal Opportunity Report and Response office.

It is important for individuals who are experiencing (or know of others who are experiencing) sexually harassing or discriminatory behavior, as defined in this brochure, to immediately report it to a University official. As the University's policy states, such behavior is prohibited and will not be tolerated. It is also important for individuals who are not sure about such behavior to seek advice from whomever they are most comfortable.

Anyone having questions or comments regarding UW Regulation 1-5 or the University's policy prohibiting sexual harassment and discrimination is encouraged to contact EORR.

**- Equal Opportunity Report and Response**  
[report-it@uwyo.edu](mailto:report-it@uwyo.edu)  
307-766-5200

### UW REGULATION 1-5

The University is committed to a policy of nondiscrimination. Every member of the University community has a responsibility for understanding and preventing discrimination. Training and informational programs support the University's desire to create a work environment for faculty and staff and an educational environment for students that foster career and educational goals based on factors such as ability, performance, and equal access. For a complete explanation of UW Regulation 1-5, please visit the following websites:

[www.uwyo.edu/diversity/eorr](http://www.uwyo.edu/diversity/eorr)  
[www.uwyo.edu/generalcounsel](http://www.uwyo.edu/generalcounsel)  
[www.uwyo.edu/reportit](http://www.uwyo.edu/reportit)

### SEXUAL HARASSMENT AND NONDISCRIMINATION POLICY

The University is committed to equal opportunity for all persons in all facets of the University's operations and is an Equal Opportunity/Affirmative Action Employer. The University will provide all applicants for admissions, employment, and all University employees with equal opportunity without regard to race, gender, religion, color, national origin, disability, age, protected veteran status, sexual orientation, gender identity, genetic information, creed, ancestry, political belief, or any other applicable protected category or participation in any protected activity. The University ensures non-discriminatory practices in all matters relating to its education programs and activities and extends the same nondiscriminatory practices to recruiting, hiring, training, compensation, benefits, promotions, demotions, transfers, and all other terms and conditions of employment.

All students, faculty, and staff have a responsibility to assist in the enforcement of this policy, to be aware of its contents, and to abide by its terms. EORR regularly conducts training sessions throughout the University concerning the specifics of this policy.

All employees are directly responsible for promptly reporting any complaints of sexual harassment and other forms of harassment or discrimination to the Manager of Investigations. The Manager of Investigations and the appropriate University officials shall promptly investigate and attempt to resolve the complaint as expeditiously as possible.

## INVESTIGATIVE GUIDELINES

- Any member of the University community (students, staff, faculty, and campus visitors) is required to report acts of discrimination or harassment under UW Regulation 1-5 to the Equal Opportunity Report and Response Unit (EORR), the Dean of Students, or other University officials. All individuals have the right to contact EORR directly, without first notifying managers or supervisors.
- All University personnel who are informed of complaints of discrimination or harassment are advised to first ensure the health and safety of all individuals, and immediately dial 911 when appropriate. They should then forward all relevant information to EORR.
- EORR will acknowledge such reports no later than three business days after receipt. EORR will refer individuals to resources as appropriate. If the reported behavior is outside the scope of UW Regulation 1-5 or 1-44 (Workplace Violence), EORR will refer the matter to the appropriate department. EORR shall also receive and attempt resolution of anonymous complaints and any complaint involving a University contractor, vendor, or affiliate.
- EORR may, when appropriate, make a recommendation for intermediate intervention to the appropriate Vice President or Dean. Such intervention does not indicate that there has been a violation of policy.
- EORR is responsible for coordinating the investigative process. Investigations shall ordinarily be completed within sixty days following the date the complaint is received. An extension of time may be approved for good cause by the General Counsel or designee.
- EORR is responsible for gathering the facts associated with the report and does not act as legal representation for the University. Individuals are allowed to bring a support person, including an attorney, but the support person is not permitted to participate in the review process.
- Separate interviews will be conducted with the Complainant and the Respondent; other individuals may also be interviewed as needed (e.g., witnesses, supervisors, department heads.)
- All records of discrimination, harassment and related retaliation reports and investigations shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

- EORR shall review pertinent records, conduct interviews as appropriate, and prepare a written report. A copy of the report shall be given to the Complainant and the Respondent, as well as the appropriate manager/supervisor. For allegations against faculty, notification will include Academic Affairs and the appropriate Dean. For allegations against students, notification will include the Dean of Students Office.
- The appropriate Vice President or Dean, based upon the findings of the investigation, shall take disciplinary action where appropriate.

## FEDERAL LAWS PROHIBITING SEXUAL HARASSMENT & DISCRIMINATION

### TITLE IX, EDUCATION AMENDMENTS OF 1972

Covers students and employees. Sexual harassment is considered a form of sex discrimination. If an allegation of sexual harassment is substantiated, federal funding may be cut off from the educational institution. Both the university and officials are liable for monetary damages and attorney's fees. Affected parties are entitled to file a complaint with the U.S. Department of Education.

### TITLE VII, CIVIL RIGHTS ACT OF 1964

Covers employees (including student employees). If an allegation of sexual harassment is substantiated, the complainant may be entitled to punitive damages, back pay, lost benefits, etc., according to the nature of the allegation. Affected parties are entitled to file a complaint with the Equal Employment Opportunity Commission (EEOC).

### 42 U.S.C. § 1983

Covers students and employees. This is a civil rights statute that imposes public institutional and individual liability. May award a complainant compensatory and punitive damages.

## PREVENTING SEXUAL HARASSMENT

The University of Wyoming will neither tolerate nor condone any act of sexual harassment. Sexual harassment is a form of sex discrimination, which violates state and federal laws. All students, faculty, and staff have a responsibility to assist in the enforcement of this policy, be aware of its contents, and to abide by its terms. In addition to mandatory training for managers and supervisors, training will be available during new employee orientation and on an as-needed basis.

## DEFINITION

Sexually harassing behavior consists of unwelcome sexual advances, requests for sexual favors, sexually-motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, of obtaining or retaining educational benefits or opportunities; or
- Such conduct is pervasive, has the purpose or effect of substantially or unreasonably interfering with an individual's employment, education, educational benefits or opportunities, creating an intimidating, hostile, or offensive employment or educational environment.

Sexual harassment, as defined herein, is generally limited to conduct or communication by someone in authority but also includes any sexual harassment as defined when perpetrated on any student or employee by another student or employee.

## RETALIATION

The University prohibits retaliating against individuals who make a good faith complaint pursuant to UW Regulation 1-5 or in any manner assists with the investigation of such a complaint. Employees and applicants will not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities: (1) filing a complaint; (2) assisting or participating in an investigation; (3) opposing any act or practice that is unlawful; or (4) exercising any other right protected by law.

Charges of retaliation as prohibited under UW Regulation 1-5 shall be treated as separate and distinct from original charges of discrimination and will be investigated by EORR.

Individuals who are found to be participating in any form of employment or educational based retaliation against any employee or student may be subject to disciplinary action up to and including separation from the University. Similarly, persons who file frivolous or bad faith allegations of discrimination may be subject to disciplinary action.

## PERSONS AUTHORIZED TO RECEIVE COMPLAINTS

This policy provides that a complaint may be brought to any appropriate member of the University community including:

- Manager of Investigations, EORR
- Human Resources
- Employee Relations
- ANY UW Academic or Administrative Officer
- ANY College Dean, Director, Supervisor, or Department Head

## EXAMPLES OF SEXUALLY HARASSING BEHAVIOR

- Sexual name calling, jokes, spreading sexual rumors, or overly personal conversation of a sexual nature;
- Subtle pressure for sexual activity;
- Inappropriate patting, pinching or fondling, pulling at clothes, or intentional brushing up against an individual's body;
- Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
- Any sexually motivated unwelcome touching, cornering, or blocking an individual's movement;
- Conditioning a student's grade or academic progress on submission to sexual activity;
- Hanging or displaying sexually explicit pictures, posters, drawings, or any other inappropriate items in the workplace;
- A pattern of conduct intended to cause discomfort or humiliation, or both, that includes one or more of the following:
  - unnecessary touching or hugging;
  - remarks of a sexual nature about a person's clothing or body;
  - remarks about sexual activity, or speculations about

The University recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal social relationship without a discriminatory effect requires a determination based on all the facts and surrounding circumstances.