Confidentiality

All complaints of sexual harassment and other forms of unlawful discrimination (race, color, religion, gender, national origin, age, disability, and sexual orientation) shall be considered confidential (particularly complaints of sexual harassment) and only those persons necessary for the investigation and resolution of the complaint will be given any information. The University will respect the confidentiality of the complainant and the individual against whom the complaint is filed to the extent possible consistent with the University’s legal obligations to protect the rights and security of its employees and students.

Preventing and reporting sexual harassment

Dear Students, Faculty, and Staff:

Employees and students should feel confident that issues relating to sexual harassment and other forms of discrimination will be given appropriate attention in the Office of Diversity and Employment Practices.

It is important for individuals who are experiencing or know of others who are experiencing sexually harassing 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 the UW Regulation 5 or the University’s policy prohibiting sexual harassment is encouraged to contact the Office of Diversity and Employment Practices (766-3459).

Diversity and Employment Practices

UW Regulation 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 5, please visit the following websites:

www.uwyo.edu/diversity
www.uwyo.edu/generalcounsel

Sexual Harassment Policy

It is the policy of the University of Wyoming to prohibit sexual harassment and all forms of discrimination that are based on race, color, religion, gender, national origin, age, disability, sexual orientation, etc. 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.

From time to time, the Office of Diversity and Employment Practices will disseminate materials and conduct training sessions throughout the University concerning the specifics of this policy.

Administrators, managers, supervisors, department heads/chairs, deans, vice presidents, and members of the Campus Police are directly responsible for promptly reporting any complaints of sexual harassment and other forms of harassment to the University’s Director of Diversity and Employment Practices. The Director and the appropriate University officials shall promptly investigate and attempt to resolve the complaint as expeditiously as possible.

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. Inquiries concerning Title IX may be referred to UW’s Title IX Coordinator:

Oneida D. Blagg, Director
Diversity and Employment Practices
Bureau of Mines, Room 318
766-3459 (oblagg@uwyo.edu)
Retaliation

The University affirms the right of individuals to file charges of illegal discrimination without fear of reprisal. Each employee or student who, in good faith, complains about illegal discrimination of any kind is protected from illegal retaliation and any act of retaliation will result in appropriate disciplinary action. Charges of retaliation shall be treated as separate and distinct from original charges of discrimination and will be investigated by the Office of Diversity and Employment Practices.

Managers, supervisors, and faculty who are found to be participating in any form of employment- or education-based retaliation against any employee or student may be subject to disciplinary action up to and including termination of employment.

Similarly, persons who file frivolous or bad faith allegations of discrimination may be subject to disciplinary action.

Federal Laws Prohibiting Sexual Harassment

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 complaint 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.

Guidelines to Prevent 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, or 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.

Persons Authorized to Receive Complaints

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

- Director of Diversity and Employment Practices
- Director of Human Resources
- Manager of Employee Relations
- any UW academic or administrative officer
- any college dean, director, supervisor, or department head

Sexually harassing conduct includes but is not limited to:

- Sexual name calling, jokes, spreading sexual rumors, or overt 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 previous sexual experiences.

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.