



Effective: Nov. 15, 2018
Last Revised: Initial Campus-Level Policy Draft

Responsible University Office:
Office of Equity and Compliance

Responsible University Administrator:
Sr. Advisor to the Chancellor for Executive Affairs

Policy Contact:
*Mary Chinnock Petroski, Chief Compliance Officer
petroskimj@unk.edu*

Discrimination & Harassment Policy

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Scope

The University of Nebraska at Kearney is responsive to University issues which support a diverse work and academic environment. This policy is applicable to all University administered programs including educational programs, financial aid, admission policies and employment policies.

<http://www.unk.edu/about/compliance/discrimination-and-harassment/index.php>

Policy Statement

The University affirms a policy of equal education and employment opportunities, affirmative action in employment and nondiscrimination in providing services to the public. The University of Nebraska at Kearney does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment.

1. University employees, students and others associated with the University who have not received the benefits of these policies, are encouraged to contact the Chief Compliance Officer/ADA Coordinator and/or submit a complaint at:

https://www.unk.edu/about/compliance/discrimination-and-harassment/inquiry_complaint_form.php

2. There shall be no retaliation against any person who in good faith participates in or takes advantage of this grievance procedure. This protection extends to, but is not limited to, parties to a complaint, those who cooperate in an investigation, and those who testify at a hearing. Retaliation will be treated as a separate offense, subject to this grievance procedure in the same manner as a prohibited discrimination complaint.
3. The Chief Compliance Officer will maintain the files and records relating to all complaints filed.
4. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency. Using this grievance procedure is not a prerequisite to the pursuit of other remedies.

Procedures

These procedures will be construed to protect the substantive rights of interested persons, meet appropriate due process standards, and assure that the University of Nebraska at Kearney complies with University of Nebraska policy, Federal and State laws and their implementing regulations.

1. A complaint shall be filed with the Chief Compliance Officer within 60 calendar days after the complainant becomes aware of the alleged violation, though exceptions due to special circumstances will be considered on a case by case basis, at:
https://www.unk.edu/about/compliance/discrimination-and-harassment/inquiry_complaint_form.php
2. An investigation, as deemed appropriate, will be conducted by the Chief Compliance Officer or his/her designee. Investigations, while informal, will be thorough and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
3. A written determination as to the validity of the complaint, pertinent supporting evidence and a description of resolution, if any, will be issued by the Chief Compliance Officer to the parties and appropriate campus supervisors/authorities no more than 60 days following the initial filing of a complaint.
4. Either party may request reconsideration by the Chief Compliance Officer in instances where the party is dissatisfied with the resolution. Requests for reconsideration must be made to the Chief Compliance Officer, in writing (hard copy or electronic/email), within 10 working days of receipt of the written determination.
 - (a) If the Chief Compliance Officer, upon reconsideration and within 10 working days, finds cause to change any aspect of the initial determination, the parties and appropriate campus supervisors/authorities shall be notified.
 - (b) If the Chief Compliance Officer, upon reconsideration and within 10 working days, find no cause

to change any aspect of the initial determination, the requesting party only shall be notified.

5. Parties may appeal the Chief Compliance Officer's final determination directly to the Senior Advisor to the Chancellor for Executive Affairs within 10 working days of notification by the Chief Compliance Officer.
 - The Senior Advisor shall arrange for an impartial external review of the final determination.
 - The external reviewer shall review all existing documentation concerning the complaint and determination.
 - The Senior Advisor shall communicate final appeal determinations to any/all affected parties.

Definitions

Discrimination is unfair treatment or denial of a reasonable accommodation because of membership in one or more of the protected classes listed in the Policy Statement, above. Discrimination includes harassment by managers, co-workers, or others in your workplace or school environment.

Harassment is unwelcome conduct that is based on membership in one or more of the protected classes listed in the Policy Statement, above. Harassment becomes a violation of University policies where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Additional Contacts

<i>Subject</i>	<i>Contact</i>	<i>Phone</i>	<i>Email</i>
	Mary Chinnock Petroski	308-865-8400	petroskimj@unk.edu
	Neal Schnoor	308-865-8208	schnoorn@unk.edu

History

Changed Final Report completion deadline to 60 days to be consistent with Title IX policy.
11/15/2018