

 <p>Category: Human Resources</p> <p>Policy applicable for: Faculty and Staff</p>	<p><i>Policy Title:</i> Discriminatory Harassment</p> <p>Effective Date: 4/1/2012 – 3/31/2015</p> <p>Prior Effective Date: 6/1990</p> <p>Enabling Acts: University Rule 10-13-01</p>	<p><i>Policy Number:</i> 11.02</p> <p>Policy Owner: Sr. VP for Administration and Finance</p> <p>Responsible Office(s): Office of Equal Opportunity</p>
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Introduction

1. The University of Cincinnati is committed to maintaining an environment where open, vigorous debate and free speech can occur. Free speech is an essential prerequisite of academic freedom.
2. The university also recognizes a right of equal access to and participation in its programs and activities. This right may be diminished or even nullified by expressions of racist, sexist, and other offensive expressions that create a hostile environment for any member of the university community. Although the university is deeply concerned by the effects of such speech, it cannot legally censor speech or punish those who exercise First Amendment rights. Because the university is committed to free speech and academic freedom, it believes the best remedy for racist, sexist, and other forms of destructive speech is its justifiable condemnation by the entire university community. The university is dedicated to using its full resources as an educational institution to combat intolerance, and urges each member of the community to assist in the struggle to achieve an institutional environment that is free of all vestiges of discrimination.
3. Although the university cannot, and does not intend to, censor speech or infringe upon the First Amendment rights of its members, it can and will sanction acts of discriminatory harassment that do not qualify for First Amendment protection. This policy statement defines discriminatory harassment and explains the university's enforcement policies as they relate to faculty and staff.
4. It is a fundamental policy of the University of Cincinnati that discrimination on the basis of race, color, religion, national origin, sex, sex orientation, disability, status as disabled veteran or veteran of the Vietnam era, or age shall not be practiced in any of its activities. Discriminatory harassment is a form of discrimination, and thus violates the University's policy against discrimination.
5. This policy applies to visitors, applicants for admission to or employment with the university, current students and employees who allege sexual harassment.

Definition

1. Discriminatory Harassment is conduct that has the purpose or foreseeable effect of unreasonably interfering with an identifiable individual's work or academic performance or of creating an intimidating, hostile, or offensive work or learning environment for that individual. It is not necessary that the consequences actually occur, but the test of whether they are foreseeable is to be determined objectively by reference to all the circumstances of the particular case. Discriminatory harassment is harassment that is based on the targeted individual's race, color, religion, national origin, sex, sexual orientation, disability, status as veteran, or age. Discriminatory harassment includes sexual harassment, which is further defined in the policy statement on Sexual Harassment (Policy 11.03).

Policy

1. The specific rights, rules, and disciplinary procedures that apply to represented university employees, including faculty, are set forth in the collective bargaining agreements applicable to such employees. The rights, rules, and disciplinary procedures that apply to unrepresented employees are set forth in the university's Human Resources Policies and Procedures Manual. Instances of discriminatory harassment engaged in by faculty, administrators, and staff will be handled using the standards and procedures set forth in those documents.
2. The university, as an employer, has a responsibility to provide a non-discriminatory and non-hostile environment for employees, for students, and for others it serves, such as visitors and patients. The university takes this responsibility seriously, and will not knowingly condone rudeness and similar forms of verbal hostility which could result in creation of a hostile environment for any member of the university community. This means employees (including student workers) may be subject to discipline for offensive behavior that takes place within the employment context, when the same conduct outside that context might qualify for First Amendment protection.
3. The resources of the university, including those supplied by the Office of the University Ombuds, the Provost and the Office of Equal Opportunity are available to assist and support the victims of racist, sexist, and other forms of discriminatory speech.

Procedures

1. A staff or faculty member who reasonable believes that discriminatory harassment has occurred should immediately contact his/her supervisor and/or the Office of Equal Opportunity.
2. The Office of Equal Opportunity shall conduct a thorough investigation.
3. If an allegation is deemed valid, disciplinary action, up to and including termination, may be imposed upon the culprit.

Related Links:

[Office of Equal Opportunity](#)
[University Ombuds](#)

Phone Contacts:

Office of Equal Opportunity	556-5508
University Ombuds	556-5956
Office of the Provost	556-1146
Anonymous Hotline	800-889-1547