



**Policy Title:** GE2030 - Non-Discrimination and Anti-Harassment

**Subject Area:** General

**Responsible Official(s):** Chief Compliance Officer

**Responsible Office(s):** Office for Institutional Equity

## Policy Statement

The University of Memphis is committed to ensuring that each member of the University community works or studies in an environment free from any form of unlawful discrimination or harassment that is based on race, color, religion, age, disability, sex, national origin, marital status, veteran status, sexual orientation, gender identity/expression or any legally protected class or basis (each a "protected class"). The University of Memphis is committed to compliance with all applicable laws and regulations prohibiting discrimination and harassment in education and employment.

## Definitions

**Discrimination** - Treating someone less favorably because of that person's race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law.

**Harassment** - Conduct that is based on a person's race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law that:

- Adversely affects a term or condition of an individual's employment, education, participation in an institution's activities or living environment;
- Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment for the individual;
- Is used as a basis for or a factor in decisions that tangibly affect an individual's employment, education, and/or participation in an institution's activities or living environment.

## Policy

This policy is to reaffirm that the University of Memphis will not discriminate against employees regarding equal employment opportunity and students regarding equal access to educational programs. Further, the University of Memphis will maintain a campus as a place of work and study for faculty, staff, and students, free of harassment on the basis of inclusion in any protected class.

## Procedures

### **PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT**

*As an Employer*, the University will not tolerate discrimination against any employee or applicant for employment because of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information, nor will it tolerate harassment on the basis of these protected categories, or any other category protected by federal or state civil rights law. Further, in accordance with its Title IX responsibilities, the University prohibits discrimination on the basis of sex in employment under any education program or activity.

Non-discrimination in employment on the basis of inclusion in any protected class shall include, but not be limited to, the following areas:

- Employment criteria;
- Recruitment and hiring;
- Promotion, tenure, demotion, transfer, layoff, termination, nepotism policies, and rehiring;
- Compensation;
- Job assignments, classifications, and descriptions, lines of progression and seniority lists;
- Leave and fringe benefits; and
- All other terms, conditions, and privileges of employment.

*As an educational institution*, the University shall not subject any student to discrimination or harassment under any educational program and no student shall be discriminatorily excluded from participation nor denied the benefits of any educational program on the basis of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law.

The University of Memphis is committed to ensuring equal opportunity and nondiscrimination

exist for students in all education programs and activities, including but not limited to, the following:

- Recruitment and admissions;
- Academic, extracurricular, research, occupational training, health-related training, and other education programs;
- Student life activities;
- Housing and facilities;
- Access to course offerings;
- Counseling;
- Financial and employment assistance; and
- Athletics.

## **DISCRIMINATION**

Discrimination may also result from having a policy or practice that has a disproportionately adverse impact on protected class members. Examples of conduct that fall into the definition of discrimination include, but are not limited to:

- Differential treatment in recruitment, hiring, training, promotion, transfer, reassignment, termination, salary and other economic benefits, and all other terms and conditions of employment on the basis of membership in a protected class.
- Disparity of treatment in educational programs and related support services on the basis of membership in a protected class.
- Limitation in access to housing, or of participation in athletic, social, cultural or other activities of the University because of membership in a protected class, and not based on a bona fide requirement or distinction.
- Retaliation for asserting protected anti-discrimination rights, filing complaints or protesting practices which are prohibited under this policy.

## **HARASSMENT**

Examples of such conduct include, but are not limited to:

- Verbal or physical conduct relating to an employee's or student's national origin, race, surname, skin color or accent, offensive or derogatory jokes based on a protected category; racial or ethnic slurs;
- Pressure for dates or sexual favors or other unwanted sexual advances;
- Unwelcome comments about a person's religion or religious garments;
- Offensive graffiti, cartoons or pictures; or
- Offensive remarks about a person's age.

Note: Sexual Harassment, which includes dating violence, domestic violence, sexual assault, and stalking, is covered by University of Memphis [policy GE2039, Interim Sexual](#)

[Harassment & Sexual/Gender-Based Misconduct](#). Decisions regarding applicability of the non-discrimination policy versus the sexual harassment policy will be made by the Office for Institutional Equity.

## **COMMUNITY RESPONSIBILITY**

All employees are required to be knowledgeable of this policy and its requirements.

## **MANAGEMENT RESPONSIBILITY**

Managers and supervisors must deal expeditiously and fairly with allegations of discrimination or harassment within their departments whether or not there has been a written or formal complaint filed with the Office for Institutional Equity. All complaints or concerns of alleged or possible harassment or discrimination should be taken seriously. Managers and supervisors have responsibility for ensuring that discrimination, harassment or inappropriate conduct is immediately reported to the Title IX Coordinator so that a prompt investigation can occur.

Anyone occupying a management or supervisory role who knowingly allows or tolerates discrimination, harassment or retaliation, including the failure to immediately report such misconduct is in violation of this policy and subject to discipline.

## **REPORTING VIOLATIONS OF THE POLICY**

The University strongly supports and encourages prompt reporting of discrimination or harassment. It is important to the University that individuals feel free to come forward and not wait until issues of discrimination or harassment become severe or pervasive prior to reporting the conduct and seeking assistance. Complaints under this policy can be made to the Office for Institutional Equity. The University's Title IX Coordinator has been designated as the individual responsible for compliance with the laws and regulations applicable to discrimination and harassment. Further, all employees occupying a supervisory role are expected to be vigilant regarding such issues within their area of responsibility. Complaints of discrimination or harassment shall be made in accordance with University of Memphis Policy [GE2024 - Discrimination, Harassment - Complaint and Investigation Procedure](#).

## **ANTI-RETALIATION POLICY**

The University will not tolerate retaliation against any person (e.g., Complainant, witness or third party) making a complaint of discrimination or harassment, or against any person cooperating in the investigation of alleged acts. Retaliation includes, but is not limited to, intimidation, threats, or harassment. Individuals who are alleged to engage in retaliatory tactics may face disciplinary action independent of the sanction and any supportive

measures imposed in response to the underlying allegations. Any acts of retaliation should be reported promptly to the Title IX Coordinator.

### Last Revision Update Log: 11/23/2022

GE2030 – Non-Discrimination & Anti-Harassment Policy, November 20, 2015

GE2030 supersedes UM1781

UM1781 – November 20, 2015