



## Non-Discrimination & Harassment Procedures

### 1. Purpose

1.1 UNMC is committed to ensuring equal opportunity and access, as well as maintaining education and work environments free from discrimination, harassment, and retaliation for all students, faculty, staff, and visitors.

### 2. Scope

2.1 UNMC is committed to providing education and work environments free of discrimination, harassment, and retaliation. This policy applies to all UNMC-administered programs, including without limiting its academic, financial aid, admissions, and employment programs

### 3. Basis of the Policy

#### 3.1 Notice of Non-Discrimination:

UNMC strictly adheres to all applicable federal and state laws regarding non-discrimination and therefore prohibits all forms of discrimination or harassment based on one's race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, age, disability, genetic information, veteran status, marital status, or political affiliation. UNMC also prohibits any form of retaliation being taken against anyone for reporting discrimination, harassment, or retaliation at UNMC or for otherwise engaging in protected activity.

UNMC will respond to all reports brought by any students, employees, vendors, visitors, or other third parties alleging that they have been discriminated, harassed, or retaliated against based on a protected status or statuses, provided that one of the parties named in the complaint is a student, employee, or affiliate of UNMC and provided further that the report on its face states a claim that, if proven, would constitute a viable discrimination, harassment, or retaliation claim.

These procedures may be used to address misconduct issues based on or related to underlying claims of discrimination, harassment, or retaliation that do not involve any allegations of sexual misconduct. Allegations of sexual misconduct which includes dating violence, domestic assault,

domestic violence, rape, sexual assault, sexual harassment (including hostile environment and quid pro quo), and stalking will be addressed separately through the applicable procedures set forth in the Board of Regents Bylaws, UNMC Policy No. 1107, Sexual Misconduct or the Student Code of Conduct.

### 3.2 **Related Policies and Laws:**

Federal and State laws, including Title VII and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Equal Pay Act; the Americans with Disabilities Act; the Rehabilitation Act of 1973; the Age Discrimination in Employment Act; the Family and Medical Leave Act of 1993, the Pregnancy Discrimination Act of 1978, the Genetic Information Nondiscrimination Act of 2008 and any and all state or local statutes, ordinances, or regulations, more specifically define UNMC non-discrimination obligations.

## 4. **Prohibited Conduct**

4.1 “Discrimination” means engaging in practices or acts that impermissibly use, or produce unfavorable outcomes on the basis of, individuals’ status or statuses protected by state or federal law. The following are types of prohibited discrimination:

- a. “Disparate Treatment” is harmful, differential treatment of others based on a status that is protected by state or federal law. Harassment is an example of disparate treatment discrimination. The use of discriminatory practices regarding a person’s employment or enrollment are also considered disparate treatment.
- b. “Disparate Impact” means engaging in practices or actions that are intended and designed to be neutral but produce unfavorable outcomes that disproportionately affect individuals with a protected status.
- c. “Failure to Provide a Reasonable Accommodation” means an individual has a qualifying condition, characteristic, or circumstance that would justify a reasonable accommodation without posing an undue hardship to UNMC, but no reasonable accommodation was provided after the individual engaged in the interactive process seeking an accommodation.

“Harassment” means unwelcome conduct that is based on an individual’s protected status or statuses, and

- a. Enduring conduct becomes a condition of continued employment or enrollment, or
- b. The conduct is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive.

Individuals subjected to alleged harassment must demonstrate the conduct is based on their protected status or statuses. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of impermissibility. To be impermissible, the conduct must create a work or educational environment that would be intimidating, hostile, or offensive to a reasonable person.

“Hostile Environment” means conduct which is severe or pervasive, on the basis of a person’s protected status or statuses, whether verbal/audio, pictorial, electronic (whether real or virtual), written, or physical, which in purpose or effect intimidates the recipient or creates an offensive or hostile working or academic environment.

“Retaliation” means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, or proceeding under this policy.

When discriminatory behavior is alleged against a UNMC sanctioned organization or group, as opposed to a named individual, UNMC will identify the individual(s) responsible for that group. The responsible individual(s) will be accountable for responding and remedying any conduct which is deemed a violation under this policy.

## **5. Other Definitions**

### **5.1 Definitions**

**Complainant:** An individual who is alleged to be the victim of discriminatory conduct. A complainant may also be referred to as a party.

**Employee:** All UNMC faculty, staff, and other personnel within the categories defined by §§ 3.1.1 through 3.1.3 of the Bylaws of the Board of Regents of the University of Nebraska whether full or part-time.

**Employee Relations Intake Form:** A written, formal complaint submitted by an individual alleging discrimination or harassment based upon a protected status or statuses, or retaliation, and a request that UNMC investigate.

**Respondent:** An individual who has been reported to have engaged in conduct that could constitute prohibited discrimination, harassment, or retaliation. A respondent may also be referred to as a party.

**Student:** All persons enrolled at UNMC and as defined within the UNMC Student Code of Conduct.

**Vendor:** Any person, firm, partnership, association, corporation, or other entity furnishing a good, product, or service to UNMC.

**Visitor:** An individual present on the UNMC campus, attending a UNMC-sanctioned function, educational program, or activity, but who is not enrolled as a student or employed by UNMC.

## **6. Jurisdiction: Circumstances and Locations that Invoke the Procedures**

6.1 These procedures address alleged discrimination, harassment, or retaliation that occurs within UNMC’s education programs or activities or occurs within the context of UNMC employment. The term "education programs or activities" includes locations, events, or circumstances over which UNMC exercises substantial control over both the respondent and

the context in which the discriminatory conduct occurs. UNMC has substantial control over the respondent if UNMC has authority to discipline the respondent when the complaint is filed. If the respondent is a visitor or other third party that is not subject to UNMC's jurisdiction, UNMC's ability to respond to the alleged discrimination, harassment, or retaliation may be limited. UNMC has substantial control over the context when discrimination or harassment occurs in an education program or activity taking place on campus.

Alleged discrimination, harassment, or retaliation that occurs off campus may also be covered by these procedures if it is determined that the alleged conduct could significantly impact UNMC education programs or activities or UNMC employment. For students, these procedures will apply to off campus discrimination, harassment, or retaliation to the same extent that the Student Code of Conduct applies to conduct violations that occur off campus. For employees, these procedures apply to off campus discrimination, harassment, or retaliation if it is determined that 1) action is necessary to protect the health or safety of members of the UNMC community, 2) the effects of the discrimination, retaliation, or harassment interfere with a person's ability to participate in an education program or activity or employment, 3) the discrimination, harassment, or retaliation relates to an employee's performance or their capacity to perform their work responsibilities, 4) the discrimination, harassment, or retaliation occurs when the respondent is serving in the role of a UNMC employee, or 5) the discrimination, harassment, or retaliation distinctly and clearly implicates UNMC's interests.

Discrimination, harassment, and retaliation that occurs through the use of UNMC electronic systems is covered by these procedures.

When a report of prohibited discrimination, harassment, or retaliation also alleges physical violence or a threat of physical violence, UNMC may address the violent act independently of these procedures. UNMC prohibits both physical violence and the threat of physical violence. When there is sufficient plausible evidence to indicate that an employee respondent engaged in physical violence or threatened physical violence, an employment supervisor and Human Resources-Employee Relations may impose any corrective action deemed commensurate with the violent or threatening conduct, including termination for cause. A student respondent may be subject to temporary suspension or emergency removal pending an investigation and disciplinary action.

## 7. Inquiries

7.1 Any student applicant or student participating in educational programs and activities, employee, applicant for employment, or campus visitor, who believes he or she may have suffered discrimination or harassment based upon protected status or statuses (race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation) should report problems, concerns, complaints, or issues relating to alleged prohibited discrimination or harassment to:

### **Employees, applicants for employment, or campus visitors - Discrimination or Disability Inquiries:**

Linda Cunningham, MPA

Assistant Vice Chancellor and Executive Director of Human Resources  
Administrative Building (ADM) – Office# 2042  
Telephone: 402.559.7394 E-mail [lcunning@unmc.edu](mailto:lcunning@unmc.edu)

**Students or applicants for educational programs and activities - Discrimination or Disability Inquiries:**

Philip D. Covington, EdD  
Assistant Vice Chancellor for Student Success & Academic Affairs  
Student Life Center 2033 Telephone: 402.559.2792 E-mail [philip.covington@unmc.edu](mailto:philip.covington@unmc.edu)

**Employees, Students, Applicants, Campus Visitors - Title IX Inquiries:**

Jamie Wangler, MEd  
Interim Title IX Coordinator  
Administrative Building (ADM), Office# 3009  
Telephone: 402.559.2214 E-mail [jwangler@unmc.edu](mailto:jwangler@unmc.edu)

Sexual Misconduct which includes dating violence, domestic assault, domestic violence, rape, sexual assault, sexual harassment (including hostile environment and *quid pro quo*), and stalking is covered under UNMC Policy No. 1107, [Sexual Misconduct](#).

## 8. Responsibilities

### 8.1 Assistant Vice Chancellor and Executive Director of Human Resources, Assistant Vice Chancellor for Student Success & Academic Affairs, Administrators, Faculty, Staff, Students, and the University.

A work and academic environment free of discrimination is the responsibility of every member of the campus community.

The Assistant Vice Chancellor and Executive Director of Human Resources, Linda Cunningham, MPA, is responsible for overseeing employees' complaints, concerns, reports of problems, and for providing assistance in such matters as ADA, discrimination and/or harassment.

Assistant Vice Chancellor for Student Success & Academic Affairs, Philip D. Covington, EdD, is responsible for hearing students' complaints, concerns, reports of problems, and for providing assistance in such matters as ADA, discrimination and/or harassment.

University representatives (e.g.: Vice Chancellors, Deans, Directors, Department Chairs, Directors, Managers and Supervisors) are responsible for assisting faculty, staff, and students in receiving appropriate responses to complaints or issues.

Faculty, staff, and students are encouraged to bring forward complaints, concerns, problems or issues regarding discrimination or harassment based upon protected status.

UNMC reserves the right to take appropriate action against prohibited discrimination and harassment affecting the work or academic environment in the absence of a complaint from an individual.

## 9. Reporting Procedures

9.1 All individuals are expected to promptly report conduct that may violate the terms of this policy so that proper measures can be taken to respond to and remedy the situation.

Employees may contact Human Resources-Employee Relations to report discrimination or harassment based upon a protected status or statuses, or to report retaliation. Reports may be submitted to Human Resources-Employee Relations by phone, email, or an in-person visit to Human Resources-Employee Relations.

Cierra Johnson, Employee Relations Specialist, [ciejohnson@unmc.edu](mailto:ciejohnson@unmc.edu), 402-559-4371

Paige MacDonald, Employee Relations Specialist, [pamacdonald@unmc.edu](mailto:pamacdonald@unmc.edu), 402-559-1237

Debra Motl, Employee Relations Manager, [dmotl@unmc.edu](mailto:dmotl@unmc.edu), 402-559-8534

Reports should be submitted as soon as possible after becoming aware of the conduct, preferably within sixty (60) calendar days after the occurrence of the alleged conduct. Although a report can be submitted anonymously, UNMC's ability to investigate and respond to an anonymous report may be limited.

9.2 Receipt of Report:

Upon receiving a report of discrimination or harassment based upon a protected status or statuses, or a report of retaliation, Human Resources-Employee Relations shall promptly contact the complainant to discuss the report, discuss support available and provide the complainant with an [Employee Relations Intake Form](#) to complete and return to Human Resources-Employee Relations. Human Resources-Employee Relations will determine whether the underlying allegations, if proven, fall within the scope of this policy. Human Resources-Employee Relations is required to investigate all reports of discrimination or harassment based upon a protected status or statuses, or a report of retaliation.

Reports of inappropriate conduct or communications that are not based upon an employee's protected status or statuses may be investigated in accordance with the [Code of Conduct Policy #8006](#) by Human Resources-Employee Relations or, if appropriate, investigated internally by the department (i.e. supervisor, administrator, senior leadership) with the assistance of Human Resources-Employee Relations.

9.3 Investigation:

The investigation may involve Human Resources-Employee Relations interviewing the complainant, respondent, witnesses and other parties, as appropriate to the investigation. Relevant documentation, including emails, statements and texts, will be gathered from all parties by Human Resources-Employee Relations to review. Investigation updates may be provided to individuals, as appropriate to the investigation.

An electronic case file will be created and housed within the Human Resources-Employee Relations department to include interview notes, relevant documents and any corrective and

disciplinary actions. Case file information is for Human Resources-Employee Relation purposes only and kept confidential. However, case file information may be shared with specific individuals if legally required by law or at the discretion of Human Resources-Employee Relations on a need-to-know basis.

#### 9.4 Findings:

Employee Relations will contact the department (i.e. supervisor, administrator, senior leadership) to provide a verbal summary of the investigation findings, make a recommendation of next steps, including any corrective and disciplinary action, and assist with implementation. The department will be responsible for the final decision in determining next steps, including any corrective and disciplinary action. Recommendations may include coaching, training, discussions, Verbal Warnings, Written Warnings, Suspensions and/or Terminations.

The complainant will be informed that their complaint has been addressed and to report any future concerns or concerns of retaliation promptly to Human Resources-Employee Relations.

### 10. Confidentiality

10.1 To the extent possible the investigation of complaints filed under this policy shall be kept confidential. Investigations may be limited by the information provided by the complainant and the complainant's willingness to pursue a formal complaint.

However, all persons involved in the complaint shall understand that UNMC is not precluded from conducting a thorough investigation and communicating with UNMC employees who have a need to know the findings of the investigation.

### 11. No Retaliation

11.1 There shall be no retaliation against individual employees or students who raise concerns. UNMC will not permit retaliation against any individual who, in good faith, files a complaint of discrimination or harassment on the basis of a person's protected status or participates as a witness in an investigation. Those who engage in such retaliatory behaviors shall receive the appropriate discipline.

Individuals with compliance concerns or complaints should review the UNMC Policy No. 8001, [Compliance Hotline](#), which provides information on communication channels for employees and students to report any activity or conduct that they suspect violates University of Nebraska or UNMC policies and procedures, and/or federal, state, or local laws and regulations. Compliance Hotline: 844-348-9584.

### 12. Accommodations Statement

12.1 UNMC is committed to providing individuals with disabilities an equal opportunity to participate in and benefit from UNMC programs, activities, services and employment. Individuals may request reasonable accommodations from UNMC that they believe will enable them to have such equal opportunity to participate in UNMC programs, activities, services and

employment. Requesting accommodations is an interactive process initiated by the individual making the reasonable accommodations request.

### **13. Limited English Proficiency**

13.1 In accordance with the prohibition against discrimination on the basis of national origin under Title VI, UNMC is committed to the accessibility of services to those with Limited English Proficiency (LEP). UNMC will make available appropriate alternative language formats to those with limited English proficiency upon request to ensure accessibility of UNMC related services and supports.

### **14. Additional Information**

[University of Nebraska Board of Regents Policies](#)

[University of Nebraska Regents Policy 2.1.8](#)

[Non-Discrimination and Harassment Policy #1099- University of Nebraska Medical Center](#)

[Employee Relations Intake Form](#)

[UNMC Policy No. 1107, Sexual Misconduct](#)

[UNMC Student Sexual Misconduct Procedures](#)

[UNMC Employee Sexual Misconduct Procedures](#)

[UNMC Policy No. 8001, Compliance Hotline 1-844-348-9584](#)

[Statement of Understanding](#)

[Americans with Disability Act and Section 504 Grievance Procedures – University of Nebraska](#)

[Requests for Reasonable Accommodation under the American with Disabilities Act](#)

[UNMC Corrective and Disciplinary Action Policy #1098 Corrective/Disciplinary Action -](#)

[University of Nebraska Medical Center \(unmc.edu\)](#)

[UNMC Corrective and Disciplinary Action Procedures #1098 Corrective and Disciplinary Action](#)  
[Procedures \(unmc.edu\)](#)

[Lactation Support Program](#)