



University of Western States (UWS) maintains a working and educational environment that values the inherent worth and dignity of every person. To support this environment, the university prohibits all discrimination, including harassment and retaliation, based on such factors as race, religion, color, sex, age, citizenship status, national origin or ancestry, genetic information, disability, veteran status, marital status, legal source of income, familial status, sexual orientation, gender identity or gender expression, and any other status protected by law.

All members of the university community are responsible for creating educational and work environments that respect diversity and that are free from discrimination. All members of the university community cooperate with university officials charged with investigating allegations of policy violations.

This policy complies with all relevant federal and state laws and regulations related to discrimination and harassment within a learning and/or working environment.

I. Definition of Unlawful Discrimination

Unlawful discrimination is defined by federal and/or state statutes to include unfavorable or unfair treatment of a person or class of persons because of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, and gender expression.

II. Definition of Unlawful Harassment

Unlawful harassment is harassment that refers to or is based upon the protected status of the person or persons being harassed, as defined by relevant federal and/or state statutes (as mentioned in Section I of this policy). Unlawful harassment in the work and educational environment is created if conduct of another person is sufficiently severe or pervasive that it interferes with an employee’s ability to perform their job or denies or limits a student’s ability to participate in or benefit from the university’s programs and thus creates a hostile work or learning environment.

This policy is intended for individuals in the protected status (as described above); however, if individuals who are not in a protected status have concerns regarding harassment, they should contact:

Employees	Students
<p>Kathleen Cannon Director of Human Resources 503-847-2557 kcannon@uws.edu</p>	<p>Elena Howells Associate Vice President of Student and University Affairs/Title IX Coordinator 503-847-2599 ehowells@uws.edu</p>

III. To Whom this Policy Applies

This policy applies broadly to the entire UWS community, including:

1. All university students, both online and on-campus, in all aspects of their participation in the university's educational programs and activities ("students")
2. All university employees in all aspects of their employment relationship with the university ("employees").
3. All members of the Board of Trustees ("trustees").
4. All contractors in all aspects of their relationship with the university ("third parties").
5. All university visitors or guests including invited speakers, participants, alumni, donors and presenters, prospective students, and prospective employees ("invitees").
6. All patients in UWS health centers ("patients").

These groups individually or collectively are known as "Covered Persons."

This policy pertains to acts of committed by unlawful discrimination (as defined above) and/or unlawful discrimination (as defined above) against Covered Persons when:

1. The conduct occurs on UWS premises; and/or
2. The conduct occurs in the context of a UWS employment, education, or research activity, including, but not limited to, UWS-sponsored internships, preceptorships, practicums, or other affiliated programs or premises; and/or
3. The conduct occurs outside the context of a UWS employment, education, or research activity, but (a) has continuing adverse effects on the UWS premises or in any UWS employment, education, or research activity, or (b) occurs in close proximity to the UWS premises and is connected to hostile conduct on the UWS premises.

IV. Determining Violation(s) of Discrimination or Harassment under this Policy

Factors considered in determining whether and the extent to which behavior(s) could be construed as unlawful discrimination or harassment (i.e., violation of policy) may include, but are not limited to:

1. Frequency of the behavior(s).
2. Severity and pervasiveness of the behavior(s).
3. Whether or not the behavior(s) is physically threatening.
4. Degree to which the behavior(s) interfered with an employee's work performance or a student's academic performance and/or ability to engage in university programs and services.
5. The relationship between the alleged harasser and the subject or subjects of the harassment.

The severity and pervasiveness of the behavior(s) is considered from both subjective and objective perspectives (the behavior is viewed as hostile and abusive by both a "reasonable person" and the person who is subjected to the conduct).



V. Complainant and Respondent Designations

Under this policy, the “complainant” is the individual who brings forward the complaint about an alleged violation of the policy. The “respondent” is the individual who is the alleged perpetrator as identified by the complainant.

VI. Seeking Procedural Information and Guidance on Complaint Process

Any member of the UWS community including students and employees may seek advice, information or counseling on matters related to discrimination and harassment without having to report or file a complaint. An individuals who feels they have been discriminated against or harassed, and or are uncertain as to whether what they experienced is discrimination or harassment, and/or desire information as to their options in dealing with harassment and discrimination, is encouraged to talk with any one of the resource persons listed below.

Student Affairs (Students)	<p>Jenna Geracitano Director of Student Services, On-Campus Students 503-847-2584 igeracitano@uws.edu</p> <p>Rachel Hasse Director of Student Services, Online Students 503-251-5738 rhasse@uws.edu</p>
Human Resources (Employees)	<p>Kathleen Cannon Director of Human Resources 503-847-2557 kcannon@uws.edu</p>
Executive Administration (Students or Employees)	<p>Rosalia Messina Executive Vice President 503-847-2555 rmessina@uws.edu</p>

These persons are trained to assist the individual in assessing the incident and/or to explain the options and resources available. These individuals may assist a complainant in accessing a university official who may be able to mediate the conflict by discussing the allegation informally with relevant parties in an attempt to end the alleged discrimination or harassment and resolve the issue. The complainant may request to have their name kept confidential at this informal stage.



VII. Reporting a Complaint

A. Designated Reporting Options

UWS recognizes that deciding whether to make a report of discrimination or harassment is a personal decision. An individual who believes that they have been subjected to discrimination or harassment under this policy should immediately report the matter via one or more of the designated reporting options listed below.

- Filing an electronic report using the online [TIPS reporting tool](#).
- Filing a written or verbal report with one of the following individuals:

When respondent (e.g. alleged harasser) is a student:	Elena Howells Associate Vice President of Student and University Affairs/ Title IX Coordinator 503-847-2599 ehowells@uws.edu
When respondent (e.g. alleged harasser) is an employee:	Kathleen Cannon Director of Human Resources 503-847-2557 kcannon@uws.edu

Making a report does not require an individual to decide whether to request a specific course of action. However, when there is a risk of imminent harm to an individual or others, or if there is a threat to the safety of the campus, UWS may take immediate action upon receipt of a report and/or complaint. In such circumstances, the reasons and steps UWS takes are explained to the individual(s) making the report.

B. Procedures to File a Formal Complaint

An individual who chooses to pursue a formal complaint alleging violations of the discrimination and/or harassment must file a formal complaint with the appropriate representative of the university (as outlined above), based on the status of the respondent. The filing of a formal complaint is required for the matter to be formally investigated. A formal complaint must be filed on a standard form obtained from the office where the complaint is to be filed and must present clearly and concisely the complainant's description of the incident(s), including names of all participants and known observers of the offensive behavior(s). The complainant may also indicate a desired outcome or remedy. The complaint must be signed by the complainant.

A formal complaint may be filed immediately after an alleged act of discrimination or harassment has taken place, or after efforts to reach an informal resolution have been unsuccessful.

Once a formal complaint is filed, the appropriate university representative (e.g., the director of human resources, or the associate vice president of student and university affairs) determines



whether the complaint merits a formal investigation. A formal complaint may be dismissed at this stage if the complaint is deemed groundless for such reasons as the following:

1. Because it is not filed in a timely fashion.
2. Because the alleged behavior does not constitute a violation of the university's discrimination and harassment policy.
3. Because the speech or expression complained of is protected and/or does not violate the law.

In instances where free speech and freedom of expression in the academic context and/or the student-life context may be an issue, university officials will seek consultation as necessary and determine if the speech in question is protected. If it is determined that the speech or expression in question is not protected, the complaint is returned for further action under this policy. If it is determined that the speech or expression in question is protected under university [Policy 1002 Academic Freedom](#) and/or federal and state laws, the complaint will be dismissed. In these cases, the complainant is informed of the reasons for the decision, and, where appropriate, other ways of addressing the conflict are suggested. In the event that there is disagreement about whether the complaint involves protected speech or expression, the question will be referred to the president, whose determination on the question will be final.

C. Time Frame for Reporting

There is no time limit on reporting or filing complaints of violations of this policy, although the university's ability to respond fully may be limited with the passage of time. If the respondent is no longer affiliated with UWS (e.g., a report is made after a student has left or graduated or an employee no longer works for UWS), the university will provide reasonably available supportive or remedial measures, assist the complainant in identifying external reporting options, and may take other action as appropriate.

D. Investigations into Complaints of Discrimination and Harassment

Investigations into alleged discrimination and/or conduct are conducted in accordance with university procedures and processes. Depending on the nature of the complaint and the parties involved, the investigation will follow either the (a) discrimination and harassment investigation procedures, or the (b) Title IX investigation and adjudication procedures. In general, the purposes of an investigation are to determine:

1. Whether discrimination or harassment, as defined under this policy, has occurred;
2. Whether there is an ongoing risk of harm for further discrimination or harassment (and if so, what steps should be taken to prevent its recurrence); and
3. Whether university-wide changes to policies, practices, or training need be considered and implemented.



E. Standard of Evidence used in Investigations and Adjudications

When investigating and adjudicating discrimination and harassment complaints, UWS applies the preponderance of the evidence standard (more likely than not) when determining whether this policy and/or other university policies have been violated.

F. Failure to Cooperate

Failure to cooperate in the investigation of a formal complaint is considered a breach of responsibility and/or conduct. If the respondent fails to cooperate, their supervisor, department head, program director, and/or dean is notified of the fact by the formal investigation official. A respondent's silence or lack of cooperation does not prevent a complaint from going forward.

G. Confidentiality

Situations involving alleged discrimination or harassment demand special attention to issues of confidentiality. Confidentiality is maintained in informal and formal proceedings to the extent that it is legally and practically possible to do so.

H. Protection Against Retaliation

Retaliation occurs when members of the university, including employees, trustees, agents, contractors and students, intimidate, threaten, coerce, or in any way discriminate against an individual because the individual has brought a concern or reported a possible violation of a federal civil right. This includes formal or informal reports of a violation and reports regarding a violation of the individual's rights or the rights of others.

No individual who seeks information about this policy or who files a complaint against another member of the university community is subjected to restraints, interference, coercion, or reprisal. University officials advise the complainant of their rights in this matter, and, where warranted, investigate a complaint of alleged retaliation in the same manner as is described herein for other discrimination complaints.

IIX. Prevention and Awareness Programs

The university offers education and primary prevention, risk reduction, and awareness programs for students and employees concerning the discrimination or harassment outlined in this policy.

Related Policies: [Policy 1002 Academic Freedom](#)
[Policy 1003 Accident, Injury, Incidence Response and Reporting](#)
[Policy 1016 Sexual or Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence, and Stalking](#)
[Policy 3019 Timely Warning Notification](#)
[Policy 3412 Employee Complaint](#)
[Policy 3414 \(B\) Whistleblower Protection](#)
[Policy 9001 Student Conduct](#)
[Policy 9009 Student Complaint and Grievance](#)

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Policy 1004 Nondiscrimination and Anti-harassment

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