

The University of Mississippi

Non-Discrimination and Sexual Harassment Policy and Complaint Procedure

Summary/Purpose: The purpose of this policy is to provide the University's policy on non-discrimination and sexual harassment, and to provide the procedure for filing complaints related to unlawful discrimination and harassment on the basis of race, color, gender, sex, pregnancy, sexual orientation, gender identity or expression, religion, national origin, citizenship, age, disability, veteran status, genetic information, or any other legally prohibited form of discrimination. This Policy is implemented and enforced in compliance with applicable law including: Title VII of the Civil Rights Act of 1964; Title VI of the Education Amendments of 1972; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; the relevant provisions of the Violence Against Women Reauthorization Act of 2013; and other applicable federal and state laws.

This policy protects all members of the University community. However, the procedures below for complaints of harassment and discrimination are only applicable to **faculty and staff** whose reported conduct falls outside of the University's Title IX policies and procedures. Procedures for complaints against **students** shall be governed by the University's Title IX policy, the Interpersonal Violence and Sexual Misconduct Policy, or other relevant policies under the governance of the University's Office of Conflict Resolution and Student Conduct.

The University of Mississippi does not unlawfully discriminate on the basis of race, color, gender, sex, pregnancy, sexual orientation, gender identity or expression, religion, national origin, citizenship, age, disability, veteran status, or genetic information. Employees, students, applicants for admission or employment, or other participants in University of Mississippi programs or activities who believe they have been discriminated against or harassed are entitled to seek relief through the University of Mississippi's Office of Equal Opportunity and Regulatory Compliance (hereinafter "EORC").

I. Sexual Harassment

Sexual harassment under this policy includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when: (1) Submission to or rejection of such conduct is either an explicit term or condition of, or is used as the basis of decision affecting an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program or basis for any participation in any aspect of a University program or activity (**quid pro quo**); and/or (2) Such conduct has the purpose of interfering with an individual's access to the University or an individual work environment or are so objectively offensive, pervasive or severe that they effectively deny the victim access to the University of Mississippi's resources and opportunities (**hostile**

environment).

University employees must report any allegation of sexual harassment or discrimination on the basis of sex to EORC immediately. Employees who must report under this policy include all University faculty and staff, except those who work or volunteer in Violence Intervention and Prevention Services, U Matter, and those with statutory privilege, including but not limited to those providing counseling or health care services through the University Center, Student Health Services, and/or Psychological Services Center.

II. Other Forms of Harassment or Discrimination

If any employees or students believe they have been subjected to harassment or discrimination on the basis of race, color, gender, sex, pregnancy, sexual orientation, gender identity or expression, religion, national origin, citizenship, age, disability, veteran status, genetic information, or any other legally prohibited form of discrimination, or otherwise need to make a report under this policy, they should immediately contact EORC at 120 Lester Hall, 662-915-7735, eeo@olemiss.edu.

III. Retaliation

Retaliatory action is prohibited against any person acting in good faith who makes a report of discrimination or assists in the investigation of a report of discrimination. However, persons who knowingly bring false allegations may be subject to disciplinary action.

IV. Confidentiality

EORC will handle matters with as much confidentiality as permitted by law. Information regarding reports of harassment and investigations of complaints may be protected from disclosure by the Family Education Rights and Privacy Act (FERPA), Mississippi Code Section 25-1-100, and other applicable state and federal laws.

V. Formal Complaints of Harassment and Discrimination

Anyone may make a report of harassment and discrimination at any time. However, unlike a report, **Formal Complaints** requesting investigation or other action by EORC should be submitted in writing within 180 days of the alleged discriminatory act. At the discretion of EORC, Formal Complaints that are not reduced to writing or that fall outside the specified 180 day time limit may be investigated. EORC may also conduct investigations as part of its regulatory compliance function which do not arise from Formal Complaints of discrimination or harassment. Formal Complaints may be submitted in writing to Equal Opportunity and Regulatory Compliance (EORC), 120 Lester Hall, 662-915-7735, eeo@olemiss.edu. Formal Complaint investigations may be conducted using the following guidelines:

- **Informal Resolution or Mediation:** EORC may contact the complainant to ascertain whether the complainant would prefer to resolve the matter informally or through mediation. Mediation is a process in which a neutral third party assists the complainant and the respondent to voluntarily and jointly reconcile their differences. If there is no informal resolution or no successful mediation, EORC may begin a formal investigation.

- **Formal Investigation:** If the parties do not elect to pursue informal resolution, mediation, or the attempt at mediation does not successfully result in a resolution, EORC may conduct a formal investigation. The formal investigation may include the following (as well as other actions deemed appropriate by EORC): interviewing the complainant, the respondent, and witnesses who may have relevant information; submitting questions to or taking statements from parties or witnesses; and reviewing documents and other evidence.
- **Findings:** If it is determined that harassment or discrimination has occurred, corrective action may be taken. Depending upon the circumstances, this corrective action may include a reprimand, demotion, discharge, conduct charges, transfer, or other appropriate actions as determined by University administration.

If the complaint is against a member of the faculty, upon the conclusion of the investigation EORC may present findings and recommendations to the appropriate Dean for input concerning possible remedial action, if any. The employee's Department Chair and/or other appropriate person(s) may be consulted and may be a part of the decision-making process. If written findings and recommendations are presented, the complainant and the person against whom the complaint is made may be notified in writing by EORC.

For complaints against all other University employees, upon the conclusion of the investigation EORC may present findings and recommendations to the appropriate Vice Chancellor for input concerning possible remedial action, if any. The department head responsible and/or other appropriate person(s) may also be consulted and may be a part of the decision-making process. If written findings and recommendations are presented, the complainant and the person against whom the complaint is made may be notified in writing by EORC.

- **Appeal:** The complainant or the person against whom the complaint is made under this policy may appeal the findings of the investigation and any disciplinary action taken by submitting an appeal, in writing, to the Provost. Such an appeal must be made within five (5) business days of the receipt of the notice of findings and recommendations from EORC. The Provost's decision is final.