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## Prohibition of Discrimination, Harassment, and Retaliation 90-210

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**APPROVAL:** *Signature on file with HR*

**DATE:** March 28, 2013

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### PURPOSE

The purpose of this general order is to provide an employment and learning environment free from discrimination, harassment, and retaliation. Discrimination, harassment, or retaliation by anyone – managers, administrators, supervisors, co-workers, students or non-University personnel including clients, vendors, and suppliers – on the basis of race, color, religion, national origin, sex, gender, sexual orientation, age, disability, or any other status protected by applicable law is a violation of University policy and is prohibited by the University.

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### POLICY

A.T. Still University of Health Sciences (ATSU) does not discriminate on the basis of race, color, religion, national origin, sex, gender, sexual orientation, age, or disability in admission or access to, or treatment or employment in its programs and activities. Any person with questions concerning ATSU's nondiscrimination policies is directed to contact the following persons:

Employees may contact:

**Arizona Campus:**

Assistant Director of Human Resources  
5850 East Still Circle  
Mesa, AZ 85206-3618  
(480) 219-6007

**Missouri Campus**

Director of Human Resources  
800 West Jefferson Street  
Kirksville, Missouri 63501  
(660) 626-2790

Students, members of the public, or beneficiaries may contact:

**Arizona Campus:**

Associate Vice President for Student Affairs  
5850 E. Still Circle  
Mesa, Arizona 85206-3618  
(480) 219-6026

**Missouri Campus:**

Vice President for Student Affairs  
800 West Jefferson Street  
Kirksville, Missouri 63501  
(660) 626-2236

Harassment and retaliation are forms of discrimination prohibited by the University.

A. Anti-Harassment

1. Prohibited conduct includes unwelcome conduct, whether verbal, non-verbal, physical, or visual, that is based on or relates to an individual's race, color, religion, sex (including pregnancy), gender, sexual orientation, national origin, disability, age, or any other status protected by applicable law, and 1) has the purpose or effect of creating an intimidating, hostile or offensive environment; 2) has the purpose or effect of unreasonably interfering with an individual's work or student performance; or 3) otherwise adversely affects an individual's employment or education opportunities.
2. Examples of prohibited conduct include but are not limited to: jokes, epithets, slurs, insults, negative stereotyping, written or graphic material (including emails), or any threatening or intimidating act, that denigrate or show hostility toward an individual and that relate to race, color, religion, sex (including pregnancy), gender, sexual orientation, national origin, disability, age, or any other status protected by applicable law.
3. Prohibited behavior also includes any unwelcome behavior of a sexual nature such as sexual advances and propositions; requests for sexual favors; sexual jokes, comments, suggestions, or innuendo; foul or obscene gestures or language; display of foul, obscene or offensive printed or visual material; physical contact such as patting, pinching, hugging or brushing against another individual's body; and any other unwelcome verbal, non-verbal, physical or visual conduct of a sexual nature where:
  - a. Submission to such conduct is an explicit or implicit condition of employment or education; or
  - b. Submission to or rejection of such conduct is used as a basis for employment-related or academic-related decisions such as a promotion, discharge, performance evaluation, pay adjustment, discipline, work assignment or any other condition of employment or career development or academic development; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, abusive, or offensive working or education environment.
4. This policy applies universally to all University personnel and students in their dealings with each other and to third parties in their dealings with University personnel and students. Any University personnel or student who violates this policy will be subject to corrective action up to and including dismissal or termination. A salaried exempt employee may be suspended in full-day increments without pay for violations of this policy. Any University personnel or students may be disciplined, up to and including dismissal or termination for engaging in behavior that is disrespectful or disruptive or otherwise prohibited by this policy, regardless of whether that behavior constitutes harassment prohibited by law.

B. Discrimination, harassment, and retaliation grievance procedures

1. Any individual who feels he/she has witnessed or experienced behavior prohibited by this policy in connection with her/his employment or as a student with the University, or who has questions, concerns or complaints of harassment, should immediately report the circumstance(s) or incident(s) to his or her supervisor, the vice president for student affairs or the human resources director (see responsibility below).
2. Upon receipt of a written or verbal complaint of discrimination, harassment, or retaliation, the University will conduct an impartial investigation and evaluate all relevant information and documentation relating to the complaint.
  - a. If a verbal complaint is made, such complaint must be reduced to writing and signed by the complainant after the complainant has an opportunity to discuss the allegations and/or circumstances with the investigator.
  - b. Such investigation shall be concluded within ten (10) business days of the receipt of the complaint by the appropriate personnel. As part of the investigation, the complainant shall have the opportunity to present witnesses and provide evidence that has not yet been considered by the investigator. Written notice to the complainant describing the findings of the investigation will occur within five (5) business days of the completion of the investigation.
  - c. If unsatisfied with the findings of the investigation, student complainants shall have the right to appeal the decision to the dean of the appropriate college/school within five (5) business days of receiving the findings.

- d. Any other complainants shall have the right to appeal the decision to the president of the University within five (5) business days of receiving the findings.
    - e. Upon receipt of a written appeal, the president or the dean of the appropriate school shall have fifteen (15) business days to rule on the appeal.
  - C. Anti-Retaliation
    - 1. The University will not retaliate against, nor permit retaliation against, any individual who opposes discrimination or harassment, makes a complaint of discrimination or harassment, and/or participates or cooperates in a discrimination or harassment investigation, proceeding or hearing.
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## **RESPONSIBILITY**

- A. The director of human resources and the assistant director of human resources are responsible for responding to and monitoring all complaints of discrimination, harassment, or retaliation from employees.
- B. The vice president for student affairs and the associate vice president for student affairs are responsible for responding to and monitoring all complaints of discrimination, harassment, or retaliation from students, members of the public, or beneficiaries.