

Discrimination, Harassment and Misconduct Policy

I. Purpose & Scope of Policy

The objective of this Policy is to encourage and enable all individuals, without the fear of retaliation, to raise concerns regarding alleged bias, discrimination, harassment or misconduct. This Policy applies to all members of the University of the Arts community—students, staff, faculty, vendors, contractors and visitors. This Policy may be revised at any time.

II. Discrimination and Harassment Policy

University of the Arts sets Integrity and Diversity as its first Core Value.

We are a supportive community committed to individual and artistic integrity and inclusion. We promote and respect self-expression, a wide range of ideas and diversity in all its forms.

To that end, we strive to provide an educational environment and workplace free of all forms of bias, discrimination and harassment and will not tolerate any form of impermissible bias, discrimination or harassment. Included in this prohibition are

- racial harassment,
- national origin harassment,
- harassment based upon membership in a protected class such as
 - age,
 - ancestry,
 - citizenship or citizenship status,
 - disability,
 - gender expression,
 - gender identity (including pronouns),
 - genetic information,
 - marital status,
 - military or veteran status,
 - race or skin color,
 - religion,
 - sexual orientation and

- any prohibited basis under applicable non-discrimination laws.

This Policy prohibits acts of bias, discrimination and harassment against employees, students, vendors/contractors, visitors and/or business invitees if such actions relate to the person’s employment or the educational programs at UArts.

Certain specific forms of sexual harassment and sex discrimination are handled separately under the University’s Sexual Misconduct Policy and Grievance Procedure Under Title IX.

The following are examples of harassing behavior:

1. Unwelcome comments, such as innuendos, comments, jokes of a racial, sexual or religious nature, propositions and threats, including any such comments made through email, social media platforms or through any other electronic means and all other media;
2. Unwelcome comments, name-calling, or symbolic or physical behavior that stigmatizes, insults, victimizes or targets an individual based upon a protected basis;
3. Making an employee or student submit to any of the above types of conduct or similar harassing or discriminatory conduct as an explicit or implicit term or condition of employment or continuation in their program;
4. Making an employee’s or student’s submission to or rejection of such conduct or similar harassing or discriminatory conduct as the basis for an employment decision affecting the employee or affecting the course work or continuation of education at the University;
5. Directing such conduct at an employee or student intending to interfere with, or that results in interference with, their work or classroom performance, or that creates an intimidating, hostile or offensive work or learning environment.

The above are examples. Other forms of prohibited bias, harassment and discrimination, although not discussed at length in this Policy, are equally prohibited.

All reports of violation of this Policy will be reviewed by the Director for Title IX, Equity & Compliance or their designee to determine whether this Policy or another University Policy applies to the report.

A. Definitions

Bias-Motivated Acts and Behaviors	An expression of hostility against the person or property of another, which reflects bias against a legally protected identity and contributes to or creates an unsafe or unwelcoming environment.
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	<p>For the purpose of this policy, bias is defined as the personal, unreasoned judgment or attitude that inclines an individual to treat someone negatively because of the individual’s actual or perceived status as a member of a protected class.</p> <p>Bias-motivated acts and behaviors may be verbal, graphic and/or physical in nature. Incidents may qualify as bias-motivated acts or behavior even when delivered with humorous intent or presented as a joke or a prank.</p> <p>Examples of bias-motivated acts and behaviors may include:</p> <ul style="list-style-type: none"> • Use of an identity-related slur in the presence of, or in communication with, one or more parties; • Mimicking or mocking an individual or group based on their legally protected identity (e.g., appearing in blackface); • Creating derogatory graffiti or images/drawings related to a legally protected identity; • Imitating someone with a disability or imitating a cultural norm or practice; and • Making jokes based upon a person’s protected status.
Complainant	The person who makes a bias, discrimination or harassment report.
Discrimination	<p>Discrimination includes any conduct that excludes an individual from participation, denies the individual benefits, treats the individual differently, or otherwise adversely affects a term or condition of an individual’s employment, education, living environment, or participation in a UArts program on the basis of the affected individual’s actual or perceived protected characteristic.</p> <p>Examples of discrimination include, but are not limited to,</p> <ul style="list-style-type: none"> • denying a student a performance opportunity because of the student’s race, disability, sexual orientation, gender identity or other protected characteristic; • giving a student a lower grade than deserved because of the student’s race, military service, religion or other protected characteristic; or, • denying an employee a promotion because of the employee’s age, gender expression/identity or other protected characteristic.
Employee	Any full-time or part-time employee of the University, including faculty and staff.
Harassment	Harassment is unwelcome, offensive conduct that occurs on the basis of the affected individual’s actual or perceived protected

	<p>characteristic. Harassment often takes the form of degrading or hostile behavior, and has the purpose or effect of unreasonably interfering with the individual’s employment or education, or creating a hostile, intimidating or offensive working, living or learning environment. Interference with education may include interfering with an individual’s rights to access their living environment and campus activities. Sexual harassment is one form of harassment and is characterized by unwelcome conduct that is sexual in nature.</p> <p>Harassment must be severe, pervasive or offensive.</p> <p>The fact that a person was personally offended by a statement or incident does not alone constitute harassment in violation of this Policy. Whether harassment occurred is measured from both an objective (a reasonable person’s view) and subjective (the reporting party’s view) standard, and depends on the totality of the circumstances, including the context of a communication or incident; the relationship of the individuals involved; whether an incident was isolated or part of a course of conduct; the seriousness or severity of the incident; the intent of the individual who engaged in the offensive conduct; and its effect or impact on the individual and the working or learning community.</p> <p>In all instances, a key factor is whether the reported behavior occurred because of one of the protected characteristics listed above. If it did not, the behavior is not subject to this Policy. (Such behavior may be subject to other UArts policies, such as the Student Code of Conduct.)</p>
<p>Hostile Environment</p>	<p>A hostile environment exists when harassment or discrimination based upon a protected characteristic is sufficiently serious to deny or limit an individual’s ability to participate in or benefit from UArts’ education or employment programs or activities. In determining whether harassment or discrimination has created a hostile environment, UArts considers the conduct from the perspective of a reasonable person and assesses a variety of factors related to the severity, persistence, or pervasiveness of the conduct, including</p> <p>(1) the type, frequency, and duration;</p>

	<p>(2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected one or more community member’s education or employment.</p> <p>The more severe the harassment or discrimination, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single or isolated incident of harassment or discrimination may be sufficient to create a hostile environment, particularly if the harassment is physical. Likewise, a series of incidents may be sufficient, even if the harassment or discrimination is not particularly severe.</p>
Respondent	The individual who is alleged to have engaged in bias, discrimination or harassment.
Retaliation	Retaliating directly or indirectly against a person who has filed, supported, or participated in an investigation of a complaint under this Policy is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person’s education, living or work environment.
Sexual Exploitation	<p>An act or acts of conduct in which a person exploits or takes advantage of another person in a sexual manner without consent. Examples of Sexual Exploitation include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Recording (audio or video) or photographing sexual activity without the knowledge and consent of all parties involved • Electronic or printed transmission (posting online, texting, emails, etc.) of sounds or images of sexual activity without the knowledge or consent of all parties involved • Voyeurism (spying on others who are engaged in an intimate or sexual act) • Going beyond consent (having consensual sex but allowing other people to watch without the knowledge of the consenting party) • Prostituting another person • Public indecency (exposing yourself without consent)

	<ul style="list-style-type: none"> • Knowingly exposing an individual to a sexually transmittable infection or virus without their knowledge. <p>Sexual Exploitation is considered a form of Harassment and not governed by the Sexual Misconduct and Grievance Policy Under Title IX.</p>
Sexual Harassment	<p>Sexual harassment and misconduct, as an umbrella category, include the actual or attempted offenses of quid pro quo sexual harassment, hostile environment sexual harassment, sexual assault, domestic violence, dating violence and stalking.</p> <p>Certain forms of sexual harassment and misconduct are governed by the University’s Sexual Misconduct Policy and Grievance Procedure Under Title IX. Under this Policy, sexual harassment includes bias, harassment, discrimination and sexual misconduct based upon basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, pregnancy or parent status. The Director for Title IX, Equity and Compliance will determine whether this Policy or the Sexual Misconduct Policy and Grievance Procedure under Title IX governs when an allegation is made.</p>
Student	<p>Any individual enrolled at University of the Arts at the time of the alleged bias or harassment. (If a student is also a student-employee, a determination will be made about whether the conduct occurred during their employment duties or while participating in university life as a student.)</p>
Vendor/Contractor	<p>Individuals who provide services to the University under contract with the University (e.g., guest speakers, instrument repair/piano tuners, visiting artists/master class instructors) or employees of organizations which provide services to the University under contract including but not limited to Aramark (Facilities), Allied (Public Safety), Parkhurst (Dining) or others.</p>

The University maintains a separate Sexual Misconduct Policy and Grievance Procedure under Title IX. If a particular complaint or report is received that, if true, involves both a potential violation of the Sexual Misconduct Policy and Grievance Procedure Under Title IX and a violation of this Policy, the process, inquiry, and, if appropriate, investigation will be governed by the Sexual Misconduct Policy and Grievance Procedure Under Title IX.

III. Procedure for Alleged Violations

A. Complaints of Discrimination or Harassment

Any community member who believes that they have been subjected to bias, discrimination or harassment in violation of this Policy or is a witness to such conduct (whether by an employee or non-employee) should report the conduct as soon as practical by completing this [form](#) for student on student conduct or this [form](#) which also allows for anonymous reporting. Understand that anonymous reports can be harder to investigate, and it may take longer to identify those who are involved or affected by the acts of bias, discrimination or harassment. The forms are routed to the Director for Title IX, Equity and Compliance for review and action.

B. Informal Resolution of Complaints

Informal resolution is not available if there are allegations of sexual violence regardless of the parties involved.

We encourage members of the community to communicate with each other and give each other the chance to self-correct their behavior and better understand the reason another is upset. For that reason, the Director of Title IX, Equity and Compliance and the Director for Diversity, Equity, Inclusion and Accessibility are resources who can assist in developing a plan for having this type of conversation. You may come to either of those individuals for guidance before making a complaint under the Policy.

The first step would be for the Complainant to attempt to resolve the problem directly with the Respondent by having a conversation directly, explaining that the behavior is unwelcome and should stop. (For example: "My pronouns are they/them. It is hurtful when you do not use my pronouns when speaking about me." Or: "I don't know if you realize that asking me where I'm from because I have a Latinx surname is a microaggression; it assumes I am a foreigner in the country where I was born. That is very hurtful.")

If this does not cease the conduct, the parties may seek assistance from a member of the UArts community trained in mediation. To request mediation, email titleix@uarts.edu. Both parties must agree to mediation but the Title IX office will facilitate that conversation.

Parties are not required or expected to informally resolve the matter, and any party may end an informal resolution process at any time and instead proceed with a complaint by completing this [form](#) for student on student conduct or this [form](#) for conduct involving employees or when an anonymous report is desired.

The University also may have an independent obligation to investigate reports of discrimination or harassment in violation of this Policy whether or not an employee or student makes a report or pursues a complaint under this Policy.

C. Investigation of Complaints

The University intends to provide prompt and equitable resolution to all complaints under this Policy. The Director for Title IX, Equity and Compliance will coordinate the investigation of all complaints of alleged bias, discrimination or harassment.

During the course of the investigation, the parties will have an equal opportunity to identify witnesses and other evidence to the investigator(s). The goal for completing these investigations is within sixty (60) business days of the notice of the Complaint. There may be times when this is not possible due to the University calendar, the complexity of the investigation, the nature of the allegations or other unforeseen circumstances and the investigation may take longer. All parties will be kept apprised of the status of the investigation.

As promptly as possible after the completion of the investigation, the investigator(s) will deliver their report of the investigation to the Director for Title IX, Equity and Compliance, who will review the results of the investigation with those listed below. The investigator(s) will make a determination of whether there is a violation of the Policy based upon a preponderance of the evidence (that is that the conduct more likely than not occurred). The Director for Title IX, Equity and Compliance acts as a resource to the reviewers with regard to the Policy.

If it is determined that there is a violation of this Policy, the parties below will determine the sanction(s) for the person violating the policy based upon their relationship to the University.

If the Respondent is	Those who will review for sanctions are
Faculty	Provost or their designee and Associate Vice President for Human Resources
Employees	The President, the Vice President or Assistant/Associate Vice President responsible for their department and Associate Vice President for Human Resources
Students	Associate Vice President of Student Affairs or their designee
Contractors/Vendors/Visitors	The Vice President of Finance and/or their designee

Those individuals would determine whether any discipline is warranted or other remedial measures should be taken based on the results of the investigation and issue

written notice to the complainant and the respondent regarding the results of the investigation.

D. Sanctions and Remedies for Violations of the Policy

If an investigation of an alleged incident of discrimination or harassment supports the claim of bias, discrimination, harassment or misconduct by a preponderance of the evidence (more likely than not to have occurred), the University will take appropriate, prompt and effective remedial action:

- to halt the conduct,
- to remedy the effects of such conduct on the complaining party and any others affected, and
- to prevent the recurrence of such conduct.

This may include, among other consequences, No Contact Directives, additional training and coaching, and other educational measures. The University also will take appropriate disciplinary action, up to and including discharge of an employee or expulsion of a student. The conduct warranting discipline or discharge need not constitute unlawful activity if the University concludes such conduct is contrary to the best interests of the University.

E. Confidentiality Concerns

The existence and nature of any complaint or report of discrimination or harassment in violation of this Policy will be disclosed only to the extent necessary to effectively investigate or to take the appropriate remedial conduct. The investigation will be conducted in as private a manner as is reasonably possible. The University cannot guarantee confidentiality in its investigation. Participants in the investigation will be instructed to keep the investigation confidential and may be subject to discipline for failing to do so.

Only certain employees in the Student Counseling Center and Wellness Center can offer students complete confidentiality. Employees can seek confidential assistance with personal health care providers, clergy or through the [Employee Assistance Program](#).

F. Prohibition of Retaliation

No member of the community shall be subject to any form of retaliation or discipline for making a good faith complaint or report under this Policy, supporting a complaint or report under this Policy, providing information (including acting as a witness) concerning any complaint or report under this Policy, or otherwise properly opposing prohibited discrimination or harassment. If a member of the UArts community believes that they

have been retaliated against in any way, they should report it to the [Director for Title IX, Equity and Compliance](#). Retaliation will be cause for appropriate discipline, up to and including discharge for employees and up to and including expulsion for students.

Responsible Office: The Office of the President is responsible for this Policy.

Effective Date: Aug. 01, 2023