A. **EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

Tulane University is committed to providing equal employment opportunity to qualified persons without regard to race, color, sex, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, pregnancy, marital status, military status, veteran status, or any other status or classification protected by federal, state or local law. This commitment to equality extends to all personnel actions, including recruitment, advertising for employment, selection for employment, compensation, performance evaluation, and selection for training or education, treatment during employment, promotion, transfer, demotion, discipline, layoff and termination. Discrimination on the basis of any protected classification will not be tolerated.

Tulane maintains a written affirmative action policy. Tulane invites qualified individuals with disabilities, special disabled veterans and Vietnam-era veterans to identify themselves if they wish to do so. Questions regarding Tulane’s equal employment opportunity policies or its affirmative action policy should be directed to the Office of Institutional Equity.

Complaints of discrimination, harassment and/or retaliation must be filed in accordance with the policies set forth below. Individuals must promptly report discrimination, harassment and retaliation so that prompt and appropriate action can be taken.

B. **ANTI-DISCRIMINATION STATEMENT**

Tulane is committed to and encourages a diverse and inclusive community that respects and values individual differences. In support of this commitment, Tulane University prohibits discrimination in its employment practices or educational programs/activities on the basis of race, color, sex, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, pregnancy, marital status, military status, veteran status, or any other status or classification protected by federal, state or local law. Tulane University complies with applicable federal and state laws addressing discrimination, harassment and retaliation. Discrimination or harassment on the basis of any protected classification will not be tolerated.

Complaints of discrimination must be filed in accordance with the policies set forth below. Individuals must promptly report discrimination so that prompt and appropriate action can be taken.

Deborah Love, Vice-President for the Office of Institutional Equity, is Tulane’s designated Coordinator for (1) Title IX of the Education Amendments of 1972, (2) Section 504 of the Rehabilitation Act of 1973, and (3) Age Discrimination Act of 1975. Deborah Love or Wendy Stark, Director of OIE and Deputy Title IX Coordinator, may be contacted at the Office for Institutional Equity, 200 Broadway Street, Suite 105-A, New Orleans, LA, 70118 or reached by telephone at (504) 862-8083. OIE’s email address is oie@tulane.edu.
C. HARASSMENT POLICY

1) Statement of Philosophy

a) Tulane University is committed to creating and maintaining a campus environment where all individuals are treated with respect and dignity and where all are free to participate in a lively exchange of ideas. Each student has the right to learn and each employee has the right to work in an environment free from all forms of unlawful harassment or discrimination including sexual harassment and sexual misconduct. At Tulane University, harassment or discrimination, whether verbal, physical, written, or visual, is unacceptable and will not be tolerated. Discrimination is unlawful and hurts all members of the educational community and contributes to a negative atmosphere where victims and others may feel their safety and equality are compromised. Discrimination has no legitimate educational purpose. Anyone who engages in conduct prohibited by this policy shall be disciplined as provided by law, university policies, and applicable employment agreements.

b) Tulane will not tolerate unlawful discrimination or harassment by anyone affiliated with Tulane (including non-employees, such as vendors and independent consultants), and will not tolerate adverse academic or employment actions, including but not limited to, termination of anyone reporting discrimination or providing information related to such a complaint.

2) Principles

a) Tulane University recognizes the tension between protecting all members of the University community from harassment and protecting academic freedom and freedom of expression. It is the policy of the institution that no member of the community may harass another. Conduct that reasonably serves a legitimate educational purpose, including pedagogical techniques, does not constitute harassment. In the educational setting within the University, wide latitude for professional judgment in determining the appropriate content and presentation of academic material is required. Those participating in the educational setting bear a responsibility to balance their right of free expression with a consideration of the reasonable sensitivities of other participants. Therefore, this policy against harassment shall be applied in a manner that protects academic freedom and freedom of expression including but are not limited to the expression of ideas, however controversial, in the classroom setting, academic environment, university-recognized activities, or on the campus.

b) Nothing contained in this policy shall be construed to limit the legitimate exercise of free speech, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve legitimate educational or artistic purposes nor shall this policy be construed to infringe upon the academic or artistic freedom of any member of the University. Artistic expression in the classroom, studio, gallery and theater merits the same protection of academic freedom that is accorded to other scholarly and teaching activities.
3) Policy Coverage

a) All faculty, administrators, staff, students, and individuals affiliated with Tulane University by contract (including non-employees, such as vendors and independent contractors) are bound by this policy. This policy protects all individuals equally from harassment, including same-sex harassment, and protects students from harassment by other students.

4) Sexual Harassment

a) Definition of Sexual Harassment - Sexual harassment is unwelcome behavior of a sexual nature by faculty, administrators, staff, students, and individuals affiliated with Tulane University by contract (including non-employees, such as vendors and independent contractors) or by anyone with whom one interacts in order to pursue educational or employment activities at the University. For the purposes of this policy, sexual harassment is defined as unwelcome advances, requests for special favors, and any other verbal, written, physical or other conduct of a sexual nature when:

(i) Submission to such conduct is implicitly or explicitly made a condition of an individual's participation in University programs, activities, employment, or educational status;

(ii) Submission to or rejection of such conduct is used as a factor in employment or academic decisions; or

(iii) Such conduct would be objectively regarded by a reasonable person as having the purpose or effect of interfering with an individual's ability to learn or work or participate in University programs or activities by creating an intimidating, hostile, or offensive environment even if the person engaging in the conduct does not intend to interfere, intimidate, or be hostile or offensive.

b) Examples of Sexual Harassment - Sexual harassment may include, but is not limited to, the following:

(i) Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults; and intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body.

(ii) Any nonconsensual sexual behavior; lack of consent may result from, among other things, use of force, threats, or intimidation or advantage gained by use of the victim's mental or physical incapacity, impairment, or helplessness of which the accused was aware or should have been aware. - Offering or implying an employment-related reward (such as a promotion, raise, or different work assignment) or an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct.
(iii) Threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions) or negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because sexual advances were rejected.

(iv) Unwelcome sexual advances, requests for a romantic or sexual relationship to an individual who indicates or has indicated in any way that such conduct is unwelcome, propositions or other sexual comments, such as sexually-oriented gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience.

5) Other Forms of Harassment

a) Harassment, other than sexual harassment, is verbal, physical, written, or other conduct that denigrates or shows hostility or aversion to an individual on the basis of race, color, religion, age, national origin, citizenship, disability, veteran's status, sexual orientation, genetic information, gender identity, gender expression, marital status, or any basis prohibited by law. Harassment based on any of the above categories is strictly prohibited by this policy.

b) Complaints of harassment will be investigated and resolved in accordance with applicable legal guidelines and the terms of this policy.

6) Retaliation

a) No member of the University community will be disciplined or otherwise retaliated against for refusing sexual advances, objecting to sexual, racial, or other forms of discrimination, harassment, or retaliation or making a good faith report of discrimination, harassment or retaliation.

b) Retaliatory or intimidating conduct against any individual who has made a good faith discrimination, harassment or retaliation complaint or who has testified or assisted in any manner in an investigation is specifically prohibited and shall provide grounds for a separate complaint. Examples of such retaliatory or intimidating conduct include disciplining, changing working or educational conditions, providing inaccurate information to or about, or refusing to cooperate or discuss work- or school-related matters with any individual without a legitimate business reason because that individual complained about or resisted harassment. The initiation of a good faith complaint of discrimination, harassment or retaliation by a student will not reflect negatively on that student nor will it affect the student's academic standing, rights, or privileges. Likewise, the initiation of a good faith complaint by an employee will not reflect negatively on that employee nor will it affect the employee's working conditions, rights, or privileges.
7) Confidentiality

a) Confidentiality will be maintained throughout the entire investigatory process to the extent practicable and appropriate under the circumstances to protect the privacy of persons involved. The persons charged with investigating the complaint will discuss the complaint or the underlying behavior only with persons involved in the case who have a need to know the information, which must include the complainant and the accused harasser.

b) Students who need to seek resources in a confidential setting should go to Counseling and Psychological Services or the Student Health Center. All reports to those entities are kept confidential.

c) The University is required by law to investigate complaints of discrimination, harassment or retaliation and will strive to protect, to the greatest extent possible, the confidentiality of persons reporting or accused of discrimination, harassment or retaliation. However, the University cannot guarantee complete confidentiality where it would conflict with the University's obligation to investigate or where confidentiality concerns are outweighed by the University's interest in protecting the safety or rights of others. Individuals who desire to discuss possible claims of discrimination, harassment, or retaliation in a more confidential setting may want to consult with a counselor, therapist, or member of the clergy, who is permitted by law to assure greater confidentiality.

d) While Tulane is committed to respecting the confidentiality and privacy of all parties involved in the investigation process, Tulane cannot guarantee complete confidentiality. Examples of situations when confidentiality cannot be maintained include:

- If Tulane is required by law to disclose information (such as in response to legal actions),
- If disclosure of information is determined by the Office of Institutional Equity, its designee, and/or Tulane’s Office of General Counsel to be necessary for conducting an effective investigation, or
- When confidentiality concerns are outweighed by Tulane’s interest in protecting the safety or rights of others.

8) Complaint Procedures

a) All are encouraged to promptly report discrimination, harassment or retaliation so that appropriate action can be taken. The complaint procedures are designed to ensure the rights of the complainant while at the same time according due process to involved parties.

b) Form of Complaint - Complaints of discrimination, harassment or retaliation will be accepted orally or in writing. Anonymous complaints will be accepted and investigated to the extent possible. Complaint forms are available at the Office of Institutional Equity and on the Office of Institutional Equity’s webpage (http://tulane.edu/equity/policies/index.cfm).

c) Content of Complaint - Any individual who believes that they are being discriminated, harassed, or retaliated against in violation of this policy should promptly file a complaint
including the following information, if known to the complainant: the name of the complainant, a brief description of the offending behavior including times, places, and the name of or identifying information about the alleged perpetrator, and the names or descriptions of any witnesses to the discrimination, harassment or retaliation.

d) Reporting the Complaint - It is not necessary to first confront the harasser prior to instituting a complaint under this policy. However, it is appropriate to promptly report a complaint so that a full and complete investigation is possible. Any person designated to receive complaints from students, employees, or faculty must notify the Office of Institutional Equity within 24 hours of receiving a complaint pursuant to this policy.

(i) Complaints by Students - A student who believes that they have been discriminated, harassed or retaliated against must report the alleged behavior to any of the following individuals:

- Office of Institutional Equity, 862-8083
- Vice President for Student Affairs, 314-2188
- Associate Dean for Student Affairs, Tulane University Health Sciences Center, 988-5331

(ii) Complaints by Staff - An employee who believes they have been discriminated, harassed, or retaliated against in violation of this policy must report the alleged behavior to any of the following individuals:

- Office of Institutional Equity, 862-8083
- Dean (or person designated by same) with which complaining employee is affiliated
- Associate Vice President for Workforce Management Organization, 247-1758

(iii) Complaints by Faculty - A faculty member who believes they have been discriminated, harassed or retaliated against in violation of this policy must report the alleged behavior to any of the following individuals:

- Office of Institutional Equity, 862-8083
- Department Chairperson
- Dean (or person designated by same) of the school with which complaining faculty is affiliated
- Senior Vice President for Academic Affairs, 865-5261

e) Failure to Cooperate - Failure to cooperate in an OIE investigation will be considered a breach of responsibility. If a Respondent fails to cooperate, his or her Department Head, Supervisor, or Dean will be notified of such non-cooperation. A Respondent’s silence or lack of cooperation will not prevent a complaint from going forward. Failure to cooperate in a formal review proceeding may result in the investigation proceeding solely on the basis of the available evidence.
9) Investigation & Informal Resolution of Complaints

a) Initial Investigation - After receiving a complaint of discrimination, harassment or retaliation, the Office of Institutional Equity shall promptly conduct an initial investigation.

b) Informal Process - The University has an informal process to provide those who believe they are subject to discrimination, harassment, or retaliation with a range of options designed to bring about a resolution of their concerns.

Depending upon the nature and severity of the complaint and the wishes of the person(s) claiming discrimination, harassment or retaliation, informal resolution may involve one or more of the following or other appropriate actions:

(i) Advising the person(s) about how to communicate the unwelcome nature of the behavior to the alleged harasser;

(ii) Distributing a copy of this policy as a reminder to the department or area with which the alleged harasser is affiliated;

(iii) If both parties agree, arranging and facilitating a meeting between the person(s) claiming discrimination, harassment or retaliation and those accused to work out a mutual resolution.

Students are also encouraged to seek advice or counseling from Student Resources and Support Services, 314-2160, whether or not they decide to pursue a formal complaint. Informal resolution may not be appropriate in certain circumstances. For instance, informal resolution would never be appropriate in cases involving allegations of sexual assault. While dealing informally with a problem of discrimination, harassment or retaliation may be preferable to the complainant, a formal grievance procedure must be followed in order for the University to impose any kind of discipline on the offender. The University will proceed with the investigation and formal resolution process when deemed appropriate by the Office of Institutional Equity.

10) Investigation & Formal Resolution of Complaints

a) Formal Investigation - If the complaint cannot be informally resolved after the initial investigation, the Office of Institutional Equity shall continue the investigation or designate someone to promptly conduct further investigation of the complaint, which may in some circumstances be a neutral third party. The persons charged with investigating the complaint must discuss the complaint or the underlying behavior only with persons involved in the case who have a need to know the information, including the complainant and the accused harasser.

In the case of a complaint against a faculty member, the Office of Institutional Equity will work with the grievance committee of his or her school within the University to investigate discrimination, harassment or retaliation complaints. The committee chair shall notify the Office of Institutional Equity in writing of the findings as well as any action taken or recommendations made by the committee based on those findings.
In the case of a complaint against a student, the Office of Institutional Equity will investigate, or will designate the Office of Student Conduct to investigate, and shall notify the Office of Student Affairs in writing of the findings of the investigation. The Office of Student Affairs will, in turn, determine whether to process the matter through the Tulane Code of Student Conduct.

In the case of a complaint against a staff member or non-employee individual affiliated with Tulane (including vendors and independent contractors), the Office of Institutional Equity shall investigate and make recommendations to the appropriate supervisor as to any action to be taken.

b) **Resolution** - Resolution will be concluded as promptly as possible and in most cases within 60 days unless extenuating circumstances arise. Within 60 days of receiving the complaint, the Office of Institutional Equity or its designee, including the appropriate school grievance committee, shall make a finding of whether it was determined that discrimination, harassment or retaliation occurred. If the investigation cannot be concluded within that time, the Office of Institutional Equity shall notify the complainant, and the University's General Counsel, who shall designate the appropriate person or faculty committee to conclude the investigation as promptly as reasonably possible.

c) **Objectivity** - The complainant and the accused are entitled to an investigation conducted by an impartial investigator. Thus, if the person(s) charged with overseeing or investigating complaints is implicated in the complaint, or has any personal issue that would cause a conflict of interest, the committee member or members shall recuse themselves from the proceeding. Alternatively, the Institutional Equity Officer shall conduct the investigation and make findings or shall designate someone impartial to do so, which may in some circumstances be an outside neutral third party.

d) **Standard of Review** - Claims of violations of this policy will be reviewed based upon the preponderance of evidence whether more likely than not a policy violation occurred.

e) **Notice of Outcome** -

   (i) Complaints against Faculty, Staff and Non-Employee Individuals Affiliated with the University. No more than ten (10) working days or as promptly as possible after a decision has been reached, the Institutional Equity Officer shall notify the parties to the proceeding in writing of the findings and the outcome of the investigation.

   (ii) Complaints against Students. The Office of Student Affairs shall notify the parties to the proceeding in writing of the findings and the outcome of the investigation in a manner consistent with the Code of Student Conduct.

f) **Sanctions** - Individuals found to have violated this policy shall be disciplined appropriately. Appropriate sanctions, ranging from a warning to dismissal, will be determined based on the severity of the conduct and in accordance with the provisions of applicable statutes,
employment contracts, University policies, disciplinary procedures for faculty as described in the Faculty Handbook, disciplinary procedures for staff as described in the Staff Handbook, and disciplinary procedures for students as described in the Code of Student Conduct and other student discipline codes.

11) Appeals

An appeal by either the complainant or the accused must be filed in writing with the Office of Institutional Equity within ten (10) working days of receiving written notice of the outcome of the investigation. Responsibility for reviewing appeals will turn on the identity of the accused. Where the accused is a student, the appeal shall be reviewed in accordance with appeals procedures described in the Code of Student Conduct. Where the accused is a staff member, the Chief of Staff and Vice President will review appeals. Where the accused is a faculty member, the Faculty Tenure Freedom and Responsibility Committee of the University Senate will review appeals in accordance with the grievance procedures described in the University Senate Constitution, By-Law III: Standing Committees, Section 1: Committee Functions, Committee on Faculty Tenure, Freedom and Responsibility: Functions.

In exceptional circumstances, except in cases involving faculty, an appeal may be reviewed by an outside neutral third party.

12) Other Legal Resources

The procedures above apply to internal complaints of discrimination, harassment or retaliation. In addition to this internal complaint procedure, victims of discrimination, harassment or retaliation may file a complaint with an appropriate government agency or, where allowed, file a civil lawsuit. Federal and state laws contain statutes of limitation barring claims filed outside of the applicable limitations period.

a) Office for Civil Rights - The Office for Civil Rights (OCR) is charged with investigating complaints of harassment under Title IX, a federal law that governs harassment of students by teachers or other students. Prior to filing a lawsuit, a charge should be filed with the OCR within the time period designated by law. A student wishing to file an administrative complaint should contact:

U.S. Department of Education
Office for Civil Rights Dallas Office
1999 Bryan Street, Suite 2600 - or -
Dallas, TX 75201
(214) 880-2459

U.S. Department of Justice
Civil Rights Division
P.O. Box 66560
Washington, D.C. 20035
(202) 307-2222

b) Equal Employment Opportunity Commission - The Equal Employment Opportunity Commission (EEOC) is charged with investigating complaints of harassment under Title VII, a federal law that governs harassment of faculty members and staff. Prior to filing a lawsuit,
Title VII requires that a charge be filed with the EEOC within the time period designated by law. An employee wishing to file an administrative complaint should contact:

**Equal Employment Opportunity Commission**
Regional Office
1555 Poydras, Suite 1900
New Orleans, LA 70112
(504) 589-2826

13) Dissemination of Policy

This policy will be distributed to all faculty, staff, students, administrators, and will be made available to anyone else connected with the University. All University employees and students who subsequently become part of the educational community shall be informed of this policy during their orientation. This policy may be revised from time to time and such revisions will be posted on the University's web site located at www.tulane.edu. Any incident reported under this policy will be governed by the policy posted on the web at the time of the incident.

14) Revisions to Policy

Proposed revisions to this policy will be presented to the University Senate for approval or disapproval.

15) False Accusations Forbidden

While we encourage all to report good faith claims of discrimination, harassment or retaliation, false accusations can have a serious effect on innocent people. If an investigation results in a finding that an accusation of discrimination, harassment or retaliation was maliciously or recklessly made, the accuser may be disciplined appropriately.

Appropriate sanctions, ranging from a warning to dismissal, will be determined based on the severity of the conduct and in accordance with the provisions of applicable statutes, employment contracts, University policies, disciplinary procedures for faculty as described in the Faculty Handbook, disciplinary procedures for staff as described in the Staff Handbook, and disciplinary procedures for students as described in the Code of Student Conduct and other applicable student discipline codes.
D. AMERICANS WITH DISABILITIES ACT

The University is committed to nondiscrimination and employment of qualified individuals with physical and mental disabilities in accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and state and local laws and ordinances. An individual is considered to have a disability if they have a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

The ADA prohibits discrimination against a qualified individual with a disability in employment practices such as job application procedures, hiring, promotion, discharge, compensation, training, benefits and other conditions of employment. A qualified individual is one who can perform the essential functions of his or her job with or without a reasonable accommodation. The ADA also requires that employers provide reasonable accommodations to qualified individuals with known disabilities. A reasonable accommodation is designed to assist an employee in the performance of his or her job without placing an undue hardship on Tulane or posing a direct threat to the employee or to other individuals.

The Office of Disability Services has been designated to coordinate employee requests for workplace accommodations. Employees should make accommodation requests directly to the Office of Disability Services. It is your responsibility to request an accommodation. Tulane may require written documentation from your health care provider with knowledge of your limitations. If the Office of Disability Services notifies the Workforce Management Organization that an accommodation has been approved, implementation of the accommodation will be handled by your department.

If you requested and were granted an accommodation, you must report changes in your ongoing need for accommodation.

The University has adopted an internal grievance procedure providing for prompt resolution of complaints alleging violation of the University’s ADA policy. If you have concerns regarding denial of a reasonable accommodation or the specific accommodation selected by the University, you are encouraged to review the process with the Office of Disability Services. In the event you disagree with the determination or proposed accommodation or believe you have been discriminated against based on a disability, you should contact the Office of Institutional Equity.
E. TITLE IX

It is the policy of Tulane University to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. Title IX also prohibits retaliation for asserting claims of sex discrimination. Tulane University has designated Title IX Coordinators, to coordinate Tulane's compliance with and response to inquiries concerning Title IX.

Faculty, Staff or Students may contact the following for information:

**Deborah Love**, Title IX Coordinator
Tulane University
Office of Institutional Equity
200 Broadway, Suite 105 A
New Orleans, LA 70118
dlove1@tulane.edu
(504) 862-8083

**Wendy Stark**, Deputy Title IX Coordinator
Tulane University
Office of Institutional Equity
200 Broadway, Suite 105 A
New Orleans, LA 70118
wstark@tulane.edu
(504) 862-8083

Students may also contact:

**Erica Woodley**, Deputy Title IX Coordinator for Student Affairs
Tulane University
Division of Student Affairs
6823 St. Charles Avenue
Lavin-Bernick Center for University Life, Room G03
New Orleans, LA 70118
ewoodley@tulane.edu
(504) 314-2188