

## THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

### EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

**Number** 05.01.01

**Division** Diversity

**Date** January 17, 2013

**Purpose** To express the University's commitment to provide equal employment opportunities to qualified applicants and employees and equal educational opportunities to qualified applicants and students. University actions and programs affecting such individuals are to be carried out without unlawful discrimination, and in some instances the University is to undertake special, affirmative efforts to promote equal opportunity, all as provided in this Equal Opportunity/Affirmative Action Policy.

**Policy** The University of Alabama in Huntsville is committed to making employment opportunities available to qualified applicants and employees and does not unlawfully discriminate on the basis of race, color, national origin, religion, sex (including marital or parental status), pregnancy, sexual orientation, gender identity, age, disability, citizenship, genetic information, or status as a disabled veteran, a recently separated veteran, an active duty wartime or campaign badge veteran, or an Armed Forces service medal veteran (all referred to herein as "protected veterans"). All personnel actions and programs shall be administered in accordance with this equal opportunity (EO) policy. These actions and programs include recruitment; selection; assignment; classification; promotion; demotion; transfer; layoff and recall; termination; determination of wages, conditions and benefits of employment; etc. It is the intent of the University that, in all aspects of employment, individuals shall be treated without unlawful discrimination on any of the foregoing bases, and that employment decisions shall instead be premised upon a person's ability, experience, and other job-related qualifications.

Additionally, the University is an affirmative action employer of women, minorities, qualified individuals with a disability, and protected veterans. It is committed to making sustained, diligent efforts to identify and consider such individuals for employment and for opportunities arising during employment.

The University is also committed to equal educational opportunity for all qualified students and does not unlawfully discriminate in its educational policies, practices, programs, or activities on the basis of race, color, national origin, religion, sex (including marital or parental status), pregnancy, sexual orientation, gender identity, age, disability, citizenship, genetic information, or protected veteran status. Its admissions, financial aid, athletics, student services, and other programs are administered in accordance with this policy.

Discrimination, under this policy, shall be understood to include harassment carried out through unwelcome oral, written, visual, or physical conduct directed at one or more individuals on the basis of race, color, national origin, religion, sex, pregnancy, sexual orientation, gender identity, age, disability, citizenship, genetic information, or status as a protected veteran. To be unlawful in an employment context, enduring such harassment must become a condition of continued employment or the conduct must be sufficiently severe or pervasive to create a working environment that is intimidating, hostile, or abusive. Offensive jokes, objects, or pictures; slurs and epithets; physical threats and assaults; intimidation; insults; etc. are among the actions that may constitute harassment. Potential violations of this policy will be evaluated from the perspective of a reasonable person in the victim's situation, taking into account all the circumstances. The University may consider harassment activities occurring off-campus as a violation of this policy, when the effects of such harassment may affect the campus educational or work environment.

With regard to students, such harassment is unlawful when it unreasonably interferes with or limits the student's ability to participate in or benefit from services, activities, or privileges provided by the educational institution. A violation also occurs when, through such harassment, an educational institution has created or is responsible for a hostile learning environment so severe, pervasive, or persistent that it adversely affects the student's ability to participate in or benefit from the institution's educational program.

Sexual harassment, in addition and more specifically, includes sexual advances, requests for sexual favors, and other conduct of a sexual nature that is unwelcome and is directed toward a person on the basis of that person's sex. It may take one of two generally recognized forms. First, the employee's or student's submission to such conduct is made a condition, explicitly or implicitly, of access to an employment or academic opportunity; or the employee's or student's submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting the individual, such as, for example, a salary or grade determination, respectively. This kind of harassment is sometimes referred to as "*quid pro quo*" ("something for something") or, alternatively, harassment that results in "tangible employment action." Secondly, hostile environment harassment occurs when the conduct is so severe, persistent, or pervasive that it unreasonably interferes with an individual's performance as an employee or student or creates an intimidating, hostile, or offensive working/learning environment. Examples of actions that might be deemed to create a hostile environment based on sex could include flirtation, vulgar language, sexually suggestive jokes, touching of a sexual nature, displaying or distributing sexually explicit materials, etc. Sexual violence is also a form of sexual harassment. It refers to physical acts perpetrated against a person's will or carried out where the person is not able to give valid consent due to the use of drugs or alcohol, to physical or mental disability, or to legal incapacity. It includes acts such as rape, sexual assault or battery, etc.

The University also prohibits retaliation against employees or students who

engage in protected activities. Protected activities include making, in good faith, a complaint of discrimination or harassment, assisting others in making a complaint, otherwise opposing such acts or practices, or participating in an investigation, proceeding, or lawsuit. Threats, intimidation, reprisals, and/or other adverse actions related to one's employment or academic status constitute retaliation if they may dissuade a reasonable employee or student from exercising his/her right to complain about perceived discrimination or harassment.

In these respects, the University affirms its desire to create a work environment for all employees and a learning environment for all students that is fair, humane, and responsible - an environment that supports and rewards career and educational goals on the basis of such relevant factors as ability and employment or academic performance. A University employee or student who is found, under established University procedures, to have been guilty of discriminatory or retaliatory conduct with respect to another member of the campus community in violation of these policies will be subject to discipline, up to and including possible dismissal or expulsion, by the University.

These commitments are designed to meet nondiscrimination/affirmative action requirements imposed by the following federal and state sources of legal obligation, as amended: Title VI and VII, Civil Rights Act of 1964; Executive Order 11246 (E.O. 11246); Title IX, Education Amendments of 1972 (Title IX); the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990 (ADA); the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967; the Age Discrimination Act of 1975; the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRA); the Immigration Reform and Control Act of 1986; the Genetic Information Nondiscrimination Act of 2008; ; the U.S. Constitution; contract and grant agreements with government agencies; the Alabama Age Discrimination Act of 1997; and the Alabama Constitution of 1901. The University's equal opportunity policies pertaining to its employees and students include specific administrative procedures and implementing measures designed to carry out these pledges and to ensure compliance with the foregoing laws.

Inquiries or complaints concerning the application of this policy and these federal requirements should be directed to one of the following persons:

*Vice President for Diversity  
Senior Equal Opportunity (EO) Coordinator; EO Coordinator/Faculty  
For Title IX, E.O. 11246, Rehabilitation Act/ADA, VEVRA  
Shelbie King Hall 341  
The University of Alabama in Huntsville  
256 824-4600 [smithdh@uah.edu](mailto:smithdh@uah.edu)*

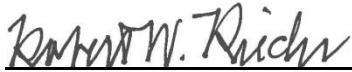
*Assistant Vice President, Human Relations  
Deputy EO Coordinator/Staff and Third Parties  
For Title IX, E.O. 11246, Rehabilitation Act/ADA, VEVRA*

Shelbie King Hall 114  
The University of Alabama in Huntsville  
256 824-6545 [longl@uah.edu](mailto:longl@uah.edu)

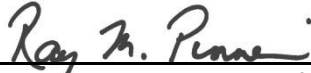
Dean of Students  
Deputy EO  
Coordinator/Students  
For Title IX, Rehabilitation Act/ADA  
University Center 114  
The University of Alabama in Huntsville  
256 824-6700

**Review** The Vice President for Diversity, the Senior Vice President for Finance and Administration and the Chief University Counsel are responsible for the review of this policy every five years (or whenever circumstances require).

**Approval**



Chief University Counsel

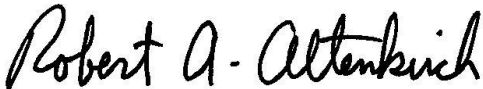


Senior Vice President for Finance and Administration



Vice President for Diversity

**APPROVED:**



President