
Interim Policy: Nondiscrimination Policy and Procedures

POLICY CONTENTS

- Scope
- Policy Statement
- Reason for Policy
- Procedures
- Definitions
- Related Information
- History

Scope

The University of Nebraska at Omaha is committed to maintaining a workplace and educational environment free from discrimination and harassment. This policy is applicable to all University administered programs including educational programs, financial aid, admission, and employment practices.

Policy Statement

The University of Nebraska at Omaha does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its education programs or activities, including admissions and employment. Retaliation related to reports of discrimination and the University's response to such reports is prohibited and is a violation of University policy.

Allegations of harassment, discrimination, and/or retaliation on the basis of protected class status may be made by students, employees, or third parties such as visitors participating in university programs, and vendors. Reports that sufficiently and plausibly allege conduct, that if true would constitute prohibited discrimination, will be investigated as long as the person accused of the discrimination is a student, employee, or affiliate of the University.

These procedures may be used to address misconduct issues arising from the investigation or occurring in conjunction with harassing, discriminatory, or retaliatory conduct. All other allegations of

misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in respective Board of Regents Bylaws and Policies, University of Nebraska Policies, Collective Bargaining Agreements, or the Student Code of Conduct

Reason for Policy

The University is committed to maintaining a safe environment for all students, faculty, staff, and visitors that ensures equitable access and promotes inclusivity.

Procedures

Prohibited Conduct Definitions

1. "Harassment" means unwelcome conduct that is based on an individual's protected status or statuses, and

- a. Enduring the conduct becomes a condition of continued employment or enrollment, or
- b. The conduct is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive.

Individuals subject to alleged harassment must demonstrate the course of conduct has been directed at them because of or based on their protected status or statuses. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of impermissibility. To be impermissible, the conduct must create a work or educational environment that would be intimidating, hostile, or offensive to reasonable people.

Any form of harassment on the basis of a person's protected status is prohibited.

2. "Retaliation" means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this document.

3. "Prohibited Discrimination" means engaging in practices or acts that impermissibly use, or produce unfavorable outcomes on the basis of, individuals' status or statuses protected by state or federal law or University policy. The following are types of Prohibited discrimination:

a. "Disparate Treatment" is harmful, differential treatment of others based on a status that is protected by state or federal law or University policy. Harassment is an example of disparate treatment discrimination. The use of discriminatory practices regarding a person's employment or enrollment are also considered disparate treatment.

b. "Disparate Impact" means engaging in practices or actions that are intended and designed to be neutral but produce unfavorable outcomes that disproportionately affect individuals with a protected status.

c. "Failure to provide a Reasonable Accommodation" means an individual has a qualifying condition, characteristic, or circumstance that would justify a reasonable accommodation without posing an undue hardship to the University, but no reasonable accommodation was made.

When discriminatory behavior is alleged against a university sanctioned organization or group, not a named individual, the University will identify the responsible individual(s) for that group. The responsible individual(s) will be accountable for responding and remedying.

Reporting

All individuals are expected to promptly report conduct that may violate the University's nondiscrimination policies to the University. Reports may be made in person, in writing, online, or anonymously. In addition, all individuals are expected to report when they become aware that someone has been subjected to discriminatory conduct, as defined above, so that the University may take steps to contact the affected party to offer support, resources, and options for resolution.

Reports should be made as promptly as possible to provide the greatest possibility of resolution, preferably within 180 days of the complainant becoming aware of the alleged violation.

Any University student, employee, or other individual who seeks to report may contact:

UNO Compliance Office	Name	Phone	Email
Chief Compliance Officer	Drew Nielsen	402.554.3715	drewnielsen@unomaha.edu
Title IX Coordinator	Sarah Weil	402.554.2120	sweil@unomaha.edu
ADA/504 Students	Cathy Pettid	402.554.3523	cpettid@unomaha.edu
ADA/504 Employees	Kristina Hoffmann	402.554.2463	kristinahoffmann@unomaha.edu

Report Online

Sexual Misconduct Incident Reporting Form: https://cm.maxient.com/reportingform.php?UnivofNebraskaSystem&layout_id=7

UNO Bias/Hate Incident Report Form: https://cm.maxient.com/reportingform.php?UnivofNebraskaOmaha&layout_id=30

EthicsPoint: <https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html>

Any individual may make a report of prohibited discrimination to the University, and if preferred, may do so without disclosing one's name. Depending on the level of information available about the incident or the individuals involved, the University's ability to respond to an anonymous report may be limited. If anonymity cannot be guaranteed, the University will notify the reporting party.

Jurisdiction: Locations Where and Circumstances When the Procedures Apply

All reports of discrimination are reviewed by the University. Complaints that sufficiently and plausibly allege conduct, that if true would constitute prohibited discrimination, will be investigated as long as the person accused of discrimination is a student, employee, or affiliate of the University.

For the alleged discrimination to be actionable under these procedures, the alleged discriminatory practice or conduct must also occur within the context of an educational program or activity, or in the case of an accusation against an employee, within the course and scope of their employment.

An education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the prohibited discrimination occurs. Employment at the University is considered an educational activity for which the University exercises substantial control over the employee and the workplace.

These procedures may apply to conduct that occurs off-campus in any of the following situations:

- a. The conduct occurs at events or during travel authorized, funded, or sponsored by the University.
- b. The conduct occurs at events or during travel funded or sponsored by a student organization.

- c. The conduct was intentional and caused, or attempted to cause, physical injury or severe emotional distress to a University employee or student.
- d. The conduct could, or was intended to, cause harm on campus.
- i. determines that the conduct in a particular matter distinctly and clearly implicates the University's interests.
- ii. prepares a written explanation of the interests and how the conduct implicates them; and
- iii. provides the written explanation to the Respondent.

When a claim of prohibited discrimination also alleges physical violence, the University may address the violent act independently of any discriminatory conduct or motive. The University prohibits physical violence and the threat of physical violence. When there is sufficient plausible evidence to indicate an employee Respondent engaged in physical violence or threatened physical violence, an employment supervisor and Human Resources may impose any corrective action deemed commensurate with the violent or threatening conduct including termination for cause. When the Respondent is a student, they may be subject to temporary suspension or emergency removal pending an investigation and disciplinary action.

Receipt of Report

Upon receiving a report of prohibited discrimination, the University will promptly contact the affected individual to discuss the report, provide options for resolution, and discuss supportive measures reasonably available. The University may initiate an inquiry into the reported conduct, as necessary, to determine the University's responsibility to act.

Options for Resolution

Supportive Measures: Supportive measures are available in conjunction with any other resolution option. This can include altering class, living, or University related employment schedules of the parties to restore or preserve access to the institution's educational programs or activities.

Informal Resolution: The University has sole discretion to determine if Informal Resolution is available. Informal Resolution requires consent from both parties.

Informal Resolutions may allow for agreed upon disciplinary action for employees or students. Informal Resolutions can take the form of coaching conversations, mediation, shuttle negotiations, and/or training requirements. Informal Resolutions are final and not appealable.

If an Informal Resolution is reached, this precludes a Complainant from pursuing a formal complaint arising out of the same facts or circumstances originally reported.

Formal Complaint and Investigation: A Complainant may file a written formal complaint alleging discriminatory behavior and request the University to investigate.

Steps of Formal Complaint and Investigation

When the University is in receipt of a written formal complaint, they will engage in an intake and initial inquiry to determine if the allegation(s), if proven true, would constitute a violation of this policy. The University may contact individuals as necessary to gather details during this initial inquiry stage.

Complaints that sufficiently and plausibly allege conduct, that if true would constitute prohibited discrimination, will be investigated if the Respondent is a student, employee, or affiliate of the University. The University will prepare a written notice of allegation and investigation to both Complainant and Respondent identifying the behavior(s) alleged and applicable policy(ies) in sufficient detail to allow the parties to participate and respond.

If the alleged behavior does not rise to the level of violating this policy, the complaint will be dismissed in writing. The dismissal will provide an explanation for why the behavior does not constitute discrimination under this policy.

Both parties have the right to an Advisor of their choice to accompany them to meetings, review documentation, and generally assist/support a party throughout the process. An Advisor may not interfere, disrupt, or speak on behalf of a party; these restrictions apply equally to both parties. It is expected that a party will participate directly in the process.

An investigation will be conducted by the University. The investigation will involve interviewing parties and witnesses, gathering evidence and documents, and conducting site visits as deemed appropriate by the University. The University bears the responsibility of gathering evidence sufficient to reach a determination regarding responsibility based on the preponderance of evidence standard.

The University will strive to complete Investigations within ninety (90) University Days of receipt of a Formal Complaint.

Determination

The Investigator will complete a final Investigation Report that includes a description of the alleged discriminatory acts, a summary of the evidence collected, an evaluation of the pertinent evidence, and a recommended finding, based on the preponderance of the evidence, as to whether the conduct constitutes discrimination/harassment and/or a violation of University policies and procedures. The Investigator will send the completed Investigation Report to the parties.

The Investigation Report and recommendations will be provided to the following responsible areas, based on the Respondent's status at the University:

Students – The matter will be referred to Student Code of Conduct for appropriate student code of conduct action.

Employees –The matter will be referred to Human Resources/Academic Human Resources to determine the appropriate personnel action.

Student Code of Conduct, Human Resources/Academic Affairs are responsible for providing final notification of outcome to both parties.

Sanctions

Sanctions are intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Actions may include discipline, education, restorative practices, and monitoring components.

Possible sanctions for Employees include:

- Coaching or education
- Mentoring
- Verbal warning
- Written warning
- Changes to work duties or location
- Probation or transfer of position
- Completion of mandatory conditions
- Suspension without pay
- Nonrenewal or non-reappointment
- Loss of rank or position
- Denial of salary increase
- Activity termination
- Demotion in rank or pay

- Termination of employment
- Ban on University re-employment.

Possible sanctions for Students include:

- Written warning
- Probation
- Expulsion from University housing
- Suspension from University housing
- Mandatory relocation
- Loss of privileges for a specified period of time
- Restitution
- Performance of service to the University community
- Completion of educational programs, assignments, or behavioral evaluations that reasonably relate to the violation
- Employment restrictions
- Revocation of admission and/or degree
- Withholding degree
- No Contact Order
- Loss of status as a recognized student organization
- Suspension for a specified period
- Expulsion

Sanctions may be imposed in combination with one another and conditions for satisfying sanctions may be imposed. Sanctions will be clearly stipulated and any conditions for satisfying sanctions will be clearly defined.

Failure to satisfy conditions set forth in sanctioning will be referred to the Student Code of Conduct or Human Resources Administrator as necessary.

Accommodations Statement

The University is committed to providing individuals with disabilities an equal opportunity to participate in and benefit from university programs, activities, and services. Individuals may request reasonable accommodations from the University that they believe will enable them to have such equal opportunity to participate in our programs, activities, and services. Requesting accommodations is an interactive process initiated by the individual making the reasonable accommodations request.

Limited English Proficiency

In accordance with the prohibition against discrimination on the basis of national origin under Title VI and [Executive Order 13166](#), the University of Nebraska at Omaha is committed to the accessibility of services to those with Limited English Proficiency (LEP). To that end, the University will make available appropriate alternative language formats to those with limited English proficiency upon request to ensure accessibility of University related services and supports.

[Limited English Proficiency](#)

Definitions

Advisor: An individual who provides the Complainant or Respondent support, guidance, or advice and may accompany the Complainant or the Respondent to any meeting, such as an investigation interview or the hearing. The Complainant and the Respondent may choose their advisor. The University will not limit the choice or presence of the advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in a meeting, interview, or hearing.

Affiliate: Any individual associated with the university whose role is not that of student, faculty, or staff. Affiliates and volunteers are individuals who need access to university services but are not paid by the university.

Complainant: An individual who is alleged to be the victim of discriminatory conduct. A complainant may also be referred to as a party.

Employee: all University faculty, staff, and other personnel within the categories defined by §§ 3.1.1 through 3.1.3 of the *Bylaws of the Board of Regents of the University of Nebraska* whether full or part time.

Investigator: University official authorized to investigate complaints of prohibited discrimination.

Not Responsible: More likely than not that a Respondent did not commit one or more acts of prohibited discrimination.

Preponderance of the Evidence: Standard of evidence the University uses to determine whether the Respondent violated the Prohibited Discrimination Policy. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated the Prohibited Discrimination Policy.

Respondent: An individual who has been reported to have engaged in conduct that could constitute prohibited discrimination. A respondent may also be referred to as a party.

Student: All persons enrolled at the University, including online and non-degree seeking individuals.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent after the University is informed of alleged prohibited discrimination. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter prohibited discrimination. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus accompaniment services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

University: shall mean the University of Nebraska at Omaha.

University Day: Weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed.

Vendor: Vendor shall mean any person, firm, partnership, association, corporation, or other entity furnishing an article or service to the University.

Visitor: An individual present on the University campus, attending a university sanctioned function, or participating in an educational program or activity not enrolled as a student or employed by the University.

Additional Contacts

External entities that may receive reports of discrimination include:

US Department of Education Office for Civil Rights (OCR)

National Headquarters	Kansas City Office (Office for Nebraska)
Lyndon Baines Johnson Department of Education Bldg. 400 Maryland Avenue, SW Washington, DC 20202-1100 Phone 800.421.3481 Fax 202.453.6012 TDD 800.877.8339 Email OCR@ed.gov	One Petticoat Lane 1010 Walnut Street, 3rd Floor, Suite 320 Kansas City, MO 64106 Phone 816.268.0550 Fax 816.268.0599 TDD 800.877.8339 Email OCR.KansasCity@ed.gov

Nebraska Equal Opportunity Commission (NEOC)
Nebraska State Office Building 301 Centennial Mall South, 5th Floor PO Box 94934 Lincoln, NE 68509-4934 402.471.2024

Equal Employment Opportunity Commission (EEOC)
Kansas City Area Office Gateway Tower II 400 State Ave., Suite 905 Kansas City, KS 66101 1.800.669.4000

Students in programs receiving NASA funding may file Title IX complaints directly with NASA.

NASA – Director, EEO Complaints and Programs
Director, EEO Complaints and Programs (CAP) Office of Diversity and Equal Opportunity Suite 6R81 NASA Headquarters 300 E Street, SW Washington, DC 20546-0001 Telephone No. 202-358-2180 Facsimile: (202) 358-4343 Attention: Director, EEO Complaints and Programs (CAP) Office of Diversity and Equal Opportunity, Suite 6R81 Washington DC 20546 E-mail: hq-dl-cmd@mail.nasa.gov

Students in programs receiving Department of Homeland Security funding, members of the public, and other non-employees may direct discrimination inquiries and file complaints directly with DHS within 180 days.

US Department of Homeland Security

E-mail: CRCLCompliance@hq.dhs.gov (the fastest method to submit your complaint)

Fax: 202-401-4708

Package/Overnight Delivery: Please contact CRCL for information on sending a package.

U.S. Postal Mail: (this method can take up to 20 business days)

U.S. Department of Homeland Security

Office for Civil Rights and Civil Liberties

Compliance Branch, Mail Stop # 0190

2707 Martin Luther King Jr Ave SE

Washington, DC 20528-0190

If you have questions, you may also contact CRCL by telephone:

Local: 202-401-1474

Toll Free: 1-866-644-8360

Local TTY: 202-401-0470

Toll Free TTY: 1-866-644-8361

Related Information

Executive Order 13166: <https://www.justice.gov/crt/executive-order-13166>

[Nondiscrimination Statement](#)

[Limited English Proficiency](#)

History

New interim policy approved on 03.29.2022.

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