Information

Reports of Bias, Discrimination, and Harassment

Effective

May 1, 1992

Number

PER-1.10

Applicability

This policy applies to University Administrators, Faculty, Staff, and Students.

Administrative Authority

Executive Vice President for Legal, Governance, and External Relations/Chief Legal Counsel; Vice President for Risk, Audit, and Compliance

Responsible Unit

Office of Legal Compliance and Investigations

Phone: 502.852.5368

Email: uoflinvestigations@louisville.edu

History

Revision Date(s): January 14, 2014; October 7, 2015; March 26, 2019; March 2, 2020 (minor edits); December 1, 2021 (minor edits to email); August 24, 2022 (minor edits); April 14, 2023; September 18, 2023; May 12, 2025; June 27, 2025

Reviewed Date(s): March 8, 2016; May 12, 2025; June 25, 2025; December 8, 2025

Categories

Statement:

The University of Louisville (University) is committed to maintain a community that is free from Bias, Discrimination and Harassment. Bias, Discrimination and Harassment are not acceptable at the University and are inconsistent with the University's commitment to excellence and respect for all individuals.

The University is also committed to protecting the academic freedom and freedom of expression of all members of the university community. Academic freedom and freedom of expression include, but is not limited to, the expression of ideas, however controversial, in the classroom, residence hall, and in keeping with different responsibilities, in workplaces elsewhere in the university community.

All allegations of Bias, Discrimination, and/or Harassment shall be reported to the Office of Legal Compliance and Investigations, and to the University Integrity and Compliance Office.

If a complaint involves a Bias, an investigation shall not be initiated unless the General Counsel certifies in writing that the investigation is necessary because the conduct being investigated either (1) may rise to the level of student-on-student harassment if all facts alleged are taken as true; or (2) is subject to a mandatory investigation pursuant to applicable state or federal law.

If a complaint allegation is determined to be Discrimination and/or Harassment, and not Bias, as defined within this policy, the complaint allegation will be investigated in accordance with this policy and the associated procedures.

Additionally, the University will not hold a hearing, tribunal, or other disciplinary proceeding on an allegation of Bias unless the General Counsel (1) authorizes the hearing and (2) certifies in writing, after a review of all relevant evidence, that the hearing is necessary to ensure compliance with applicable state or federal law.

All University members are expected to provide truthful information in any report or proceeding under these Procedures. Any person who knowingly makes a false statement in connection with the initiation or resolution of a complaint or University-

initiated investigation under these procedures may be subject to appropriate discipline. Making a good faith report of discrimination or harassment that is not later substantiated is not considered a false statement.

POLICY EXCLUSIONS

Offensive behavior that is outside the scope of this policy, may fall under the scope of other University policies, including, but not limited to, the University Code of Conduct, the Discipline Policy PER 5.01, Chapter 4 of the Redbook, Employee Sexual Misconduct Policy, Student Sexual Misconduct Policy, or the Code of Student Conduct. Nothing herein overrides existing University policy or circumscribes the authority of the University to establish policy that is not otherwise contrary to law.

RETALIATION

Federal and state law and University policy prohibit any form of retaliation against a person who makes a report in good faith.

POLICY VIOLATIONS AND SANCTIONS

Persons found to have violated the provisions set forth in this policy will be subject to disciplinary action and penalties as set forth in applicable University Policies, including, but not limited to, the University's Code of Conduct, Discipline Policy PER 5.01, Chapter 4 of the Redbook, Employee Sexual Misconduct Policy, Student Sexual Misconduct Policy, or the Code of Student Conduct. These penalties include, but are not limited to, suspension, demotion, termination, or in the case of students, dismissal. Other corrective action such as counseling or training, and steps such as reinstatement, hiring, reassignment, promotion, training, back pay or other benefits may be taken as are necessary.

Related Information:

Duty to Report and Non-Retaliation Policy

Equal Employment Opportunity Commission

United States Department of Education

Office for Civil Rights

Kentucky Commission on Human Rights

Definitions:

Bias (or Bias Incident) is defined as noncriminal conduct that is alleged to constitute an act or statement against a particular group or individual because of the group's or individual's religion, race, sex, color, or national origin, or perceived religion, race, sex, color, or national origin.

Discrimination is an action or behavior that deprives or limits access to an individual's educational or employment opportunities at the University, or treats an individual differently on the basis of the individual's actual or perceived membership in a protected class, including race, sex, age, color, national origin, ethnicity, creed, religion, disability, genetic information, sexual orientation, gender, gender identity or expression, marital status, pregnancy or veteran status, unless otherwise permitted or required by law.

Harassment is any unwelcome conduct based upon the individual's actual or perceived membership in a protected class, including race, sex, age, color, national origin, ethnicity, creed, religion, disability, genetic information, sexual orientation, gender, gender identity or expression, marital status, pregnancy, or veteran status. Harassment becomes unlawful where enduring offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Hostile Work Environment exists when Harassment is so severe or pervasive that it unreasonably interferes with, deprives, or limits an individual from participating in or benefiting from the University's education or employment programs and/or activities.

Retaliation is any form of adverse action, or threat of adverse action, taken against an individual because the individual reported a complaint of actual or suspected misconduct or participated in an investigation or complaint review process.

Procedures:

REPORTING PROCESS

Bias, Discrimination, and/or Harassment should be reported to:

Senior Director, Legal Compliance and Investigations

Office of Legal Compliance and Investigations

Phone: (502) 852-5368

Email: uoflinvestigations@louisville.edu

Reports should also be made to the University Integrity and Compliance Office, by emailing compliance@louisville.edu, by calling (502) 852-5709, or by submitting a report through the University's Compliance and Ethics Hotline. Allegations of Bias, Discrimination, and/or Harassment reported to the University and Compliance Office will be routed to the Office of Legal Compliance and Investigations for further review and determination.

Some forms of Bias, Discrimination and/or Harassment may violate federal and/or state laws, and a complainant or respondent may choose to contact the following agencies regarding their complaint:

Atlanta Office

Office for Civil Rights

U.S. Department of Education

61 Forsyth St. S.W., Suite 19T10

Atlanta, GA 30303-8927

Telephone: 404-974-9406

FAX: 404-974-9406; TDD: 800-877-8339

Email: OCR.Atlanta@ed.gov

https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint

Kentucky Commission on Human Rights

332 W. Broadway, 7th Floor

Louisville, KY 40202

Phone: (502) 595-4024 or (800) 292-5566

E-mail: kchr.mail@ky.gov

Federal Equal Employment Opportunity Commission

600 Dr. Martin Luther King, Jr. Place, Suite 268

Louisville, KY 40202

Phone: (800) 669-4000

TTY: (800) 669-6820

E-mail: www.eeoc.gov

INTAKE PROCESS

After receiving a complaint of Bias, Discrimination, and/or Harassment, the Office of Legal Compliance and Investigations will:

1. Evaluate the complaint to determine if it is within the scope of this policy;
2. Contact the complainant within five (5) working days to schedule a meeting to discuss the report's factual allegations and potential next steps.
3. If complainant is responsive to outreach, meet with complainant within ten (10) working days to discuss items listed above; and
4. The Senior Director, Legal Compliance and Investigations will determine if an investigation of the complaint is necessary in accordance with applicable laws and University policy

INFORMAL NEGOTIATED RESOLUTION

Negotiated resolution is an informal process by which the Office of Legal Compliance and Investigations attempts to resolve complaints quickly and to the satisfaction of all parties without reaching formal findings, while protecting confidentiality to the extent possible.

If the Office of Legal Compliance and Investigations determines that the allegation is suitable for an informal negotiated resolution, this option will be discussed and offered to the complainant. In the case of Bias, such determination shall be made following appropriate certification. The Office of Legal Compliance and Investigations will give complainant five (5) working days to decide to initiate the informal resolution process.

Within ten (10) working days of the complainant's decision on how to proceed, the Office of Legal Compliance and Investigations will notify the respondent that they have been named in a complaint, the nature of the charges, the complaint procedures, and offer the informal resolution option. The respondent must agree to proceed with an informal resolution. The respondent will have five (5) working days after notification to accept informal resolution as a means to resolve the complaint

Generally, the Office of Legal Compliance and Investigations will not involve any person other than the complainant and respondent in the negotiated resolution process, except, as it may be necessary to consult with appropriate University officials regarding University policies and procedures. Both parties will be asked to respect the confidentiality of the process. Negotiated resolution should be completed no later than thirty (30) days after the respondent has agreed to this process.

If the complaint is successfully resolved, each party will sign a "Negotiated Resolution" prepared by the Office of Legal Compliance and Investigations, which will fully describe the agreed-upon terms. Each party will receive a copy of the final Negotiated Resolution.

At any time during the negotiated resolution process, the Office of Legal Compliance and Investigations or either party may elect to terminate the informal resolution process. Specifically, if the Office of Legal Compliance and Investigations determines the complaint is unsuitable for negotiated resolution at any time prior to completing the Negotiated Resolution, or if either party declines to participate in or fails to make a decision regarding the negotiated resolution, the Office of Legal Compliance and Investigations will proceed to the investigation phase of complaint. Both parties, the complainant and respondent, may still have the opportunity to request an informal resolution process.

The Office of Legal Compliance and Investigations also reserves the right not to proceed with an investigation if it determines that during the negotiated resolution process a complainant was offered and refused all of the relief to which he or she may be entitled.

FORMAL RESOLUTION PROCESS

A formal complaint may be filed as the first course of action or if there is no mutually acceptable resolution during the informal resolution process. The University may initiate an investigation in the absence of a formal complaint by a complainant.

A. Formal Complaint

Formal complaints should be filed with the Office of Legal Compliance and Investigations within 180 days of the alleged report of Bias, Discrimination, and/or Harassment. At the discretion of the Senior Director, Legal Compliance and Investigations, complaints filed outside of this time limit may be investigated based on extenuating circumstances. All time limits contained in these procedures may be extended for good cause.

The formal complaint must include the complainant's name and signature, a description of the alleged incident or incidents, identity of the person or persons

purportedly responsible, names of potential witnesses, and an indication of the date or approximate date on which the act or acts occurred.

In addition to or instead of filing with the Office of Legal Compliance and Investigations, the complainant may file a formal charge of Discrimination and/or Harassment with a state or federal agency authorized by law to receive such claims.

B. University Initiated Investigation

The University has an obligation to respond to information of which it becomes aware, whether received formally or informally. For this reason, the University may initiate an investigation of circumstances that involve potential Bias, Discrimination, or Harassment even where no formal complaint has been filed. The University may move forward with a University-initiated investigation and potential disciplinary action if there is an individual or public safety concern where sufficient independent information exists to establish that a University policy has been violated. The Senior Director, Legal Compliance and Investigations will assess whether the totality of the circumstances warrant a University-initiated investigation by examining the following, but not limited to: the seriousness of the reported conduct, whether the reported misconduct reveals a pattern of perpetration at a given location or by a particular group, whether there have been other reports of similar Bias, Harassment or Discrimination, or whether the University possesses appropriate means to obtain relevant evidence.

C. Preliminary Assessment

Bias, Discrimination, and Harassment can take many forms, and determining whether an alleged behavior constitutes Bias, Discrimination, or Harassment requires examining all of the circumstances. Each complaint shall first be evaluated by the Office of Legal Compliance and Investigations to determine if the alleged behavior, if true, constitutes Discrimination, Harassment, or Bias, as defined by and in violation of this policy. If the alleged behavior constitutes Discrimination, Harassment or Bias, the allegations must be promptly investigated in accordance with this policy and appropriate action taken.

D. Notice

If it is determined the allegations of the formal complaint, if true, do not violate University policies, the Office of Legal Compliance and Investigations shall notify the complainant in writing normally within five (5) working days of receiving the formal complaint. That notice shall explain why the complaint does not violate University policy and may inform the complainant of other avenues to seek redress, such as the staff, faculty or student grievance procedures, if appropriate.

If it is determined the allegations of the formal complaint, if true, may violate University policies, the Office of Legal Compliance and Investigations will provide prompt notification within five (5) working days of receiving the formal complaint, including a copy of the formal complaint or notice of allegations, to the complainant, and the respondent(s). The respondent(s) will be requested to respond in writing to the formal complaint within a reasonable time, not to exceed ten (10) days from the notification of the formal complaint.

E. Investigation

An assigned investigator within the Office of Legal Compliance and Investigations will conduct a thorough fact-finding investigation, which may include, but not be limited to:

- Interviews with both the complainant and respondent;
- Individual meetings with witnesses or material persons who may have relevant information;
- Reviewing relevant files and records such as personnel files, departmental and/or unit files, and others;
- Comparing the treatment of complainant to that of others similarly situated in the department or unit; and
- Reviewing applicable University policies and procedures.

The investigative process is an internal University process. The complainant and respondent are free to meet with internal and/or external advisors, including counsel from outside the University community, throughout the process; however, the presence or participation of these advisors is not permitted in the investigative process, unless otherwise required by law.

In the event that a complainant chooses not to participate in an interview or declines to provide information requested by the University investigator, Senior Director, Legal Compliance and Investigations may dismiss the complaint if there is no independent information upon which to proceed. The Senior Director, Legal Compliance and Investigations shall provide written notice of such dismissal to the complainant(s) and the respondent(s).

Where the complaint or the circumstances involve potential criminal conduct; however, a party may choose to remain silent during the process, and such silence will not be held as an admission or considered to be adverse to the party.

In the event that an impacted party chooses not to participate in an interview or declines to provide information requested by the University Investigator in connection with a University-initiated investigation, the Senior Director, Legal Compliance and Investigations may dismiss the University-initiated investigation.

Unless otherwise proscribed by law, the investigation shall be completed within 60 days following the receipt of the formal complaint or start of a University-initiated investigation, unless an extension of time for good cause is approved by the Senior Director, Legal Compliance and Investigations.

Following the conclusion of the investigation, the Office of Legal Compliance and Investigations will inform the complainant (or impacted party in the case of a University-initiated investigation) and the respondent(s) of the outcome of the investigation.

No violation of University policy will be presumed unless a preponderance of the evidence standard supports the finding of a violation. This preponderance of the evidence standard requires that the facts and information supporting each finding are more convincing than the facts and information offered in opposition to such finding.

F. Sanctions and Remedies

Disciplinary sanctions and remedies may only be implemented after a finding of responsibility. These investigation's confidential findings will be submitted to the appropriate University officials to render any corrective and/or disciplinary action

deemed necessary and in accordance with University policy. In cases that involve faculty members a copy of these findings will also be submitted to the University Provost.

If the Office of Legal Compliance and Investigations concludes that the complainant's allegations are substantiated, the report will recommend that a directive be issued to stop the behavior in violation of this policy. The report will recommend disciplinary or other corrective action against the respondent and others; and, if appropriate, recommend provisions for the complainant, such as reinstatement, hiring, reassignment, promotion, training, back pay, or other compensation or benefits.

If the Office of Legal Compliance and Investigations concludes that the complainant's allegations are not substantiated, the report may suggest other avenues, both internal and external, for the complainant should they wish to pursue the matter and, if appropriate, recommend reasonable steps to restore the reputation of the respondent.

The vice president/dean to whom the report is sent may take appropriate action, as deemed necessary. The vice president's/dean's decision on the action, and the reasons therefore will be communicated in writing to the respondent and the Office of Legal Compliance and Investigations within ten (10) working days after the vice president/dean receives the report from the Office of Legal Compliance and Investigations, unless the vice president/dean requires additional time for further investigation or other good cause. The vice president/dean may provide the report to other University officials, as deemed appropriate. The vice president's/dean's decision is final under these procedures unless another appeal is provided by University policy.

Complaint allegations of Bias, Discrimination, and/or Harassment are non-grievable actions. Inconsistent or improper application of this policy and its procedures are grievable actions.

Responsibilities:

The Office of Legal Compliance and Investigations will:

1. Respond to every complaint of alleged Bias, Discrimination, and/or Harassment;
2. Act impartially, whether an investigation is conducted or not, considering the interests of all parties;
3. Keep information regarding an allegation of Bias, Discrimination, and Harassment and the parties involved confidential to the extent legal and practicable and it will be shared only with those who have a legitimate reason to know; and
4. Maintain all files and records relating to all complaints in accordance with the University record retention policy.

The Office of Legal Compliance and Investigations is also responsible for the interpretation of this policy and for educating the University community about this policy and associated procedures. Questions about this policy should be directed to the Director, Legal Compliance and Investigations at (502) 852-5368 or uoflinvestigations@louisville.edu.

The Office of Legal Compliance and Investigations Office is responsible for providing educational and training programs to assist members of the University community in understanding what constitutes Bias, Discrimination, or Harassment, and how to address behavior that violates this policy.

University students and employees are responsible for being aware of this policy and knowing when to report potential violations of this policy. University employees are obligated to report to appropriate University officials when they suspect or have knowledge of a violation of this policy in accordance with the University's Duty to Report and Non-Retaliation Policy. Additionally, all employees and students have an obligation to cooperate in the conduct of these Procedures. Failure to do so may result in disciplinary action.