




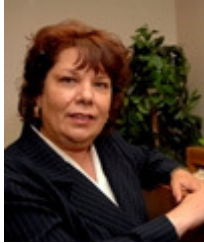


# **IUPUI OFFICE OF EQUAL OPPORTUNITY**

**ANNUAL REPORT**

**JANUARY 31, 2010**

**Kim D. Kirkland**  
**Director, Office of Equal Opportunity**

## Office of Equal Opportunity Staff

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## Campus Impact

The Office of Equal Opportunity, also referred to as the “Office” or OEO, is responsible for monitoring compliance with the University’s Equal Opportunity, anti-discrimination, and anti-harassment policies as well as federal and state laws and regulations; investigating and resolving complaints of discrimination and harassment on the basis of sex, sexual orientation, race, color, religion, national origin, ancestry, disability, age, or veteran status; monitoring institutional employment practices and procedures (search process); and conducting training programs and presentations on Equal Opportunity/Affirmative Action – racial and sexual harassment, a wide range of diversity programs and workshops in order to ensure the most wholesome and productive learning and working environment for students, faculty and staff. Individuals who believe they have been unlawfully harassed or discriminated against are encouraged to contact our office.

The principle functions and responsibilities of the IUPUI Office of Equal Opportunity during 2009 were as follows:

- Affirmative Action Plan
- Employment Monitoring
- New Operating Procedures for Investigating Complaints of Discrimination
- Reasonable Accommodations
- Program Development/Training
- Liaison to Federal and State agencies on matters involving EEO/AA practices, policies, and charges of discrimination

#### I. **AFFIRMATIVE ACTION PLAN**

Development of the IUPUI Affirmative Action Plan (AAP) is one of the primary responsibilities of the Office of Equal Opportunity. In essence, the AAP is a snap-shot of the University's workforce that includes:

- Workforce Analysis – the representation of women and minorities across organizational units.
- Job Group Analysis – summarizes the workforce by a set of broad occupational categories – grouping job titles with similar job content, similar pay, and similar promotional and/or developmental opportunities.
- Availability – looks at the current workforce by job group as compared to individuals available in the workforce based on U.S. census data, graduation statistics, the internal labor pool, and other relevant sources.
- Comparison of Incumbency to Availability compares the current representation of minorities and women in our workforce to availability estimates to determine where we need to make greater efforts to reach parity and diversify the workforce.
- Goal Setting – goals are set for job groups where the incumbency and availability statistics are not equal. The Office of Equal Opportunity meets with each dean/vice chancellor/major unit head to review their current workforce profile, identify opportunities for recruitment in the immediate future, and discuss efforts and strategies to meet workforce goals for women and minorities.

Unit Action Plan: Administrators are required to submit a Unit Action Plan outlining major efforts and strategies for reaching goals. The Unit Action Plan should address specific outreach efforts to recruit minority and female faculty and staff, professional development opportunities for them, and opportunities for recruitment which are anticipated over the next several years. Finally, the Unit Action Plan should link components of the plan to IUPUI Diversity Performance Indicators.

The IUPUI Affirmative Action Plan is disseminated to key administrators at the conclusion of the process and is available on line at:

[http://www.iupui.edu/~oeo/documents/affirmative\\_action\\_2009.pdf](http://www.iupui.edu/~oeo/documents/affirmative_action_2009.pdf)

## II. EMPLOYMENT MONITORING

Analysis of employment activity as it relates to hires, terminations, promotions, and transfers is required by Department of Labor regulations. The Office of Equal Opportunity (OEO) captures and monitors recruitment, referral, screening and appointment data for each faculty and professional staff vacancy to ensure the continuity and integrity of hiring processes for all academic and professional positions. Employment data are maintained in the University's On-line Application system (U-OLA) and the Faculty Applicant Monitoring system (FAM). These systems facilitate the search process and ensure compliance with capturing federally required data relative to employment transactions.

Applicant count is based on recruitment for positions appointed 01/01/09 – 12/31/09. Applicants who applied to positions that were withdrawn are excluded from these numbers since Adverse Impact Analysis can only be conducted against searches that end successfully. OEO staff members are available to assist search committees with strategies for diversifying the applicant pool, understanding cultural norms, and rater errors. In addition, a resource listing which is posted on the Office of Equal Opportunity website is available at the link below:

<http://www.iupui.edu/~o eo/documents/recruitresources.pdf>

### Summary of Faculty & Professional Staff Recruitment, Appointments and Separations

Faculty				Professional Staff			
	2009	2008	2007		2009	2008	2007
<b>Total Applicants</b>	<b>4,170</b>	3,435	2,379	<b>Total Applicants</b>	<b>9,077</b>	10,931	10,133
<b>Total Appointments*</b>	<b>169</b>	221	247	<b>Total Appointments</b>	<b>219</b>	327	399
<b>Total Exceptions Approved</b>	<b>12</b>	22	69	<b>Total Exceptions Approved</b>	<b>1</b>	9	23
<b>Total Exceptions Denied</b>	<b>9</b>	4	1	<b>Total Exceptions Denied</b>	<b>0</b>	1	0
<b>Total Separations</b>	<b>173</b>	165	194	<b>Total Separations</b>	<b>137</b>	216	244
<b>Pending Appointments*</b>	<b>33</b>	35	15	<b>Reclassifications</b>	<b>71</b>	130	126
<b><u>Search Exception Justifications:</u></b>				<b><u>Search Exception Justifications:</u></b>			
<b>Programmatic Need</b>	<b>3</b>	13	21	<b>Programmatic Need</b>	<b>1</b>	6	13
<b>Target of Opportunity</b>	<b>4</b>	1	13	<b>Target of Opportunity</b>	<b>0</b>	1	0
<b>Transfer</b>	<b>5</b>	8	6	<b>Transfer</b>	<b>0</b>	2	3
<b>Transfer Funding</b>	<b>0</b>	0	29	<b>Transfer Funding</b>	<b>0</b>	0	7

**\*Excludes Adjunct, Part-time, Postdoctoral, Visitors, and Volunteers**

## 2009 Employment Monitoring Activity By Constituent Group

### Faculty

	Male	Female	Unks	Total	Wht	Blk	Asn	Hsp	Ami	Unk	Grand Total
<b>Applicants*</b>	1,489	674	2,007	4,170	1,170	97	766	82	6	2,049	4,170
<b>Appointments*</b>	54	42	73	169	61	3	24	5	0	76	169
<b>Pending Appointments*</b>	6	10	17	33	11	2	3	0	0	17	33
<b>Exceptions Granted</b>	6	6	0	12	7	3	1	1	0	0	12
<b>Separations*</b>	80	93	0	173	119	6	41	7	0	0	173

**\*Excludes Adjunct, Part-time, Postdoctoral, Visitors, and Volunteers**

### Professional Staff

	Male	Female	Unks	Total	Wht	Blk	Asn	Hsp	Ami	Unk	Grand Total
<b>Applicants</b>	2,744	5,512	821	9,077	5,570	1,476	539	188	40	1,264	9,077
<b>Appointments</b>	58	132	29	219	143	19	7	6	0	44	219
<b>Exceptions Granted</b>	1	0	0	1	1	0	0	0	0	0	1
<b>Separations</b>	39	98	0	137	111	13	8	4	0	1	137
<b>Reclassifications</b>	28	43	0	71	60	5	5	0	0	1	71

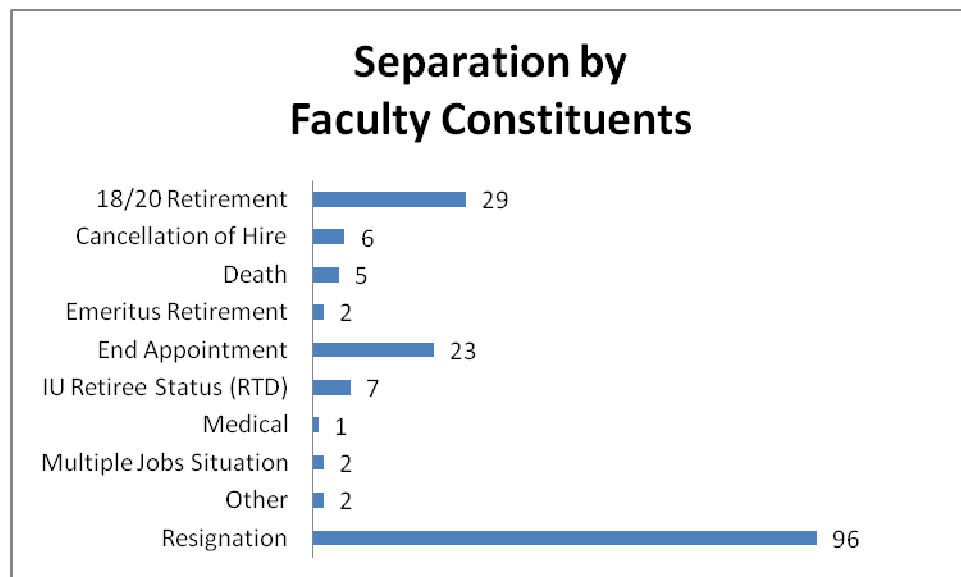
**\*Legend:**

**Unks: Unknown Gender, Wht: White, Blk: Black, Asn: Asian, Hsp: Hispanic, Ami: American Indian, Unk: Unknown Ethnicity**

## 2009 Separations By Constituent Group

### Faculty Separations

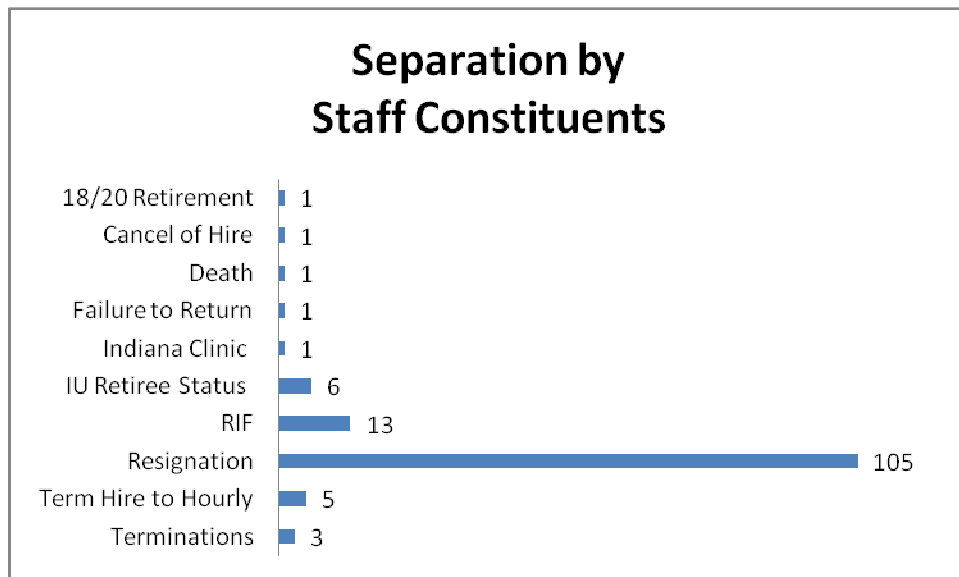
Type	Classification							
	Academic Specialist	Clinical Faculty	Faculty	Lecturer	Librarian	Research Associate	Scientist Scholar	Grand Total
18/20 Retirement	0	1	27	0	0	0	1	29
Cancellation of Hire	1	2	2	1	0	0	0	6
Death	0	0	3	2	0	0	0	5
Emeritus Retirement	0	0	2	0	0	0	0	2
End Appointment	5	1	3	3	0	4	7	23
IU Retiree Status	2	2	3	0	0	0	0	7
Medical	0	0	0	0	0	0	1	1
Multiple Jobs Situation	0	1	0	0	0	1	0	2
Other	0	0	0	0	0	2	0	2
Resignation	2	28	26	9	2	14	15	96
Grand Total	10	35	66	15	2	21	24	173



## 2009 Separations By Constituent Group

### Professional Staff Separations

Type	Classification								
	Admin Service	Facilities Service	Health Prof	Health Admin	Info Tech	Media Relations	Research Science	Academic Service	Grand Total
18/20 Retirement	0	0	0	0	0	0	0	1	1
Cancel Hire	0	0	0	0	1	0	0	0	1
Death	1	0	0	0	0	0	0	0	1
Failure to Return	0	0	1	0	0	0	0	0	1
Indiana Clinic	0	0	0	1	0	0	0	0	1
IU Retiree Status	3	0	1	0	0	0	1	1	6
RIF	4	0	4	0	1	2	2	0	13
Resignation	24	1	30	2	14	8	17	9	105
Term Hire to Hourly	1	0	1	0	0	1	2	0	5
Terminations	0	0	2	0	1	0	0	0	3
<b>Grand Total</b>	<b>33</b>	<b>1</b>	<b>39</b>	<b>3</b>	<b>17</b>	<b>11</b>	<b>22</b>	<b>11</b>	<b>137</b>



### III. COMPLAINTS

Responsibility for addressing complaints of discrimination or harassment (sex, race, religion, national origin, disability, sexual orientation, etc.) is a major responsibility vested in the Office of Equal Opportunity by the Chancellor. The Office has developed a three-pronged approach to categorizing complaints:

- 1) **Consultative Approach** which could include verbal conversations between the complainant and the respondent, as appropriate. These are issues raised by complaining parties and generally involve exploratory meetings with individuals to understand their concerns, rights and responsibilities within the university environment, to offer advice on alternative solutions, and to identify appropriate resources for resolution. While these issues are addressed by the Office, they do not rise to a level of illegal harassment or discrimination. OEO will consult, make an assessment, and intervene as appropriate, which may include facilitated discussions, but no official notice of complaint will be issued.
- 2) **Mediation** which is an intervention to work with both the complainant and the respondent to help them reach a mutually agreed upon resolution. OEO will assess the situation to determine whether mediation is appropriate. Either the Complainant or the Respondent may refuse mediation or, once commenced, end mediation at any time. No adverse inference is to be drawn from any such decision.
- 3) **Formal Investigation** that includes a comprehensive investigative approach. OEO will make a determination on the classification of the complaint. OEO will make a preliminary assessment that the issues raised warrant a formal investigation. OEO will provide notification to the relevant parties and Decisional Authority, as appropriate. If OEO determines a need for immediate interim action, e.g. removal, reassignment, administrative leave, or suspension, such actions will be administered by the Decisional Authority.

IUPUI's formal Operating Procedures for Processing Complaints of Discrimination can be accessed at the following link:

<http://www.iupui.edu/~oeo/policy/IUPUIinvestigativeOperatingProcedures.pdf>

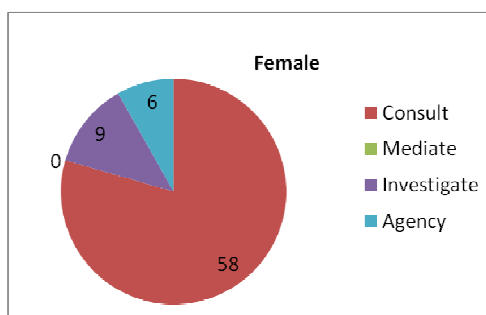
External complaints are charges of discrimination filed with outside compliance agencies such as the U.S. Equal Employment Opportunity Commission, Indiana Civil Rights Commission, U.S. Department of Justice, and U.S. Department of Education – Office for Civil Rights. External complaints are handled by the Office of Equal Opportunity on behalf of Indiana University.



## 2009 Complaint Data by Approach

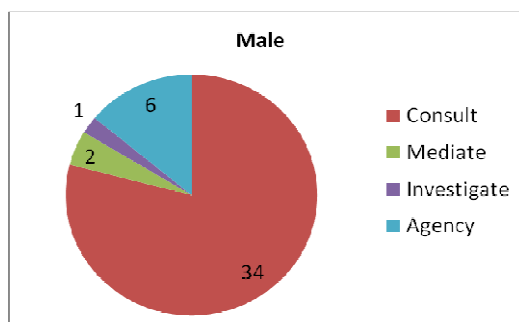
### Female

	Consult	Mediate	Investigate	Agency	Complaints Filed	% of Total
Faculty	11	0	1	1	13	18%
Staff	29	0	5	5	39	53%
Students	16	0	3	0	19	26%
Other	2	0	0	0	2	3%
<b>Total</b>	<b>58</b>	<b>0</b>	<b>9</b>	<b>6</b>	<b>73</b>	<b>100%</b>



### Male

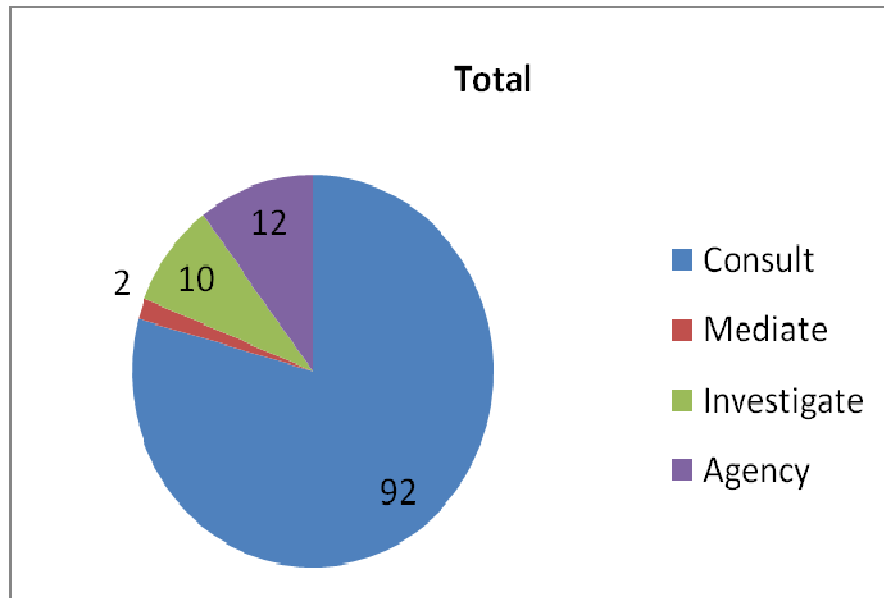
	Consult	Mediate	Investigate	Agency	Complaints Filed	% of Total
Faculty	7	0	0	2	9	21%
Staff	13	1	0	3	17	39%
Students	11	1	1	1	14	33%
Others	3	0	0	0	3	7%
<b>Total</b>	<b>34</b>	<b>2</b>	<b>1</b>	<b>6</b>	<b>43</b>	<b>100%</b>



**2009**  
**Complaint Data by Approach**

**Total**

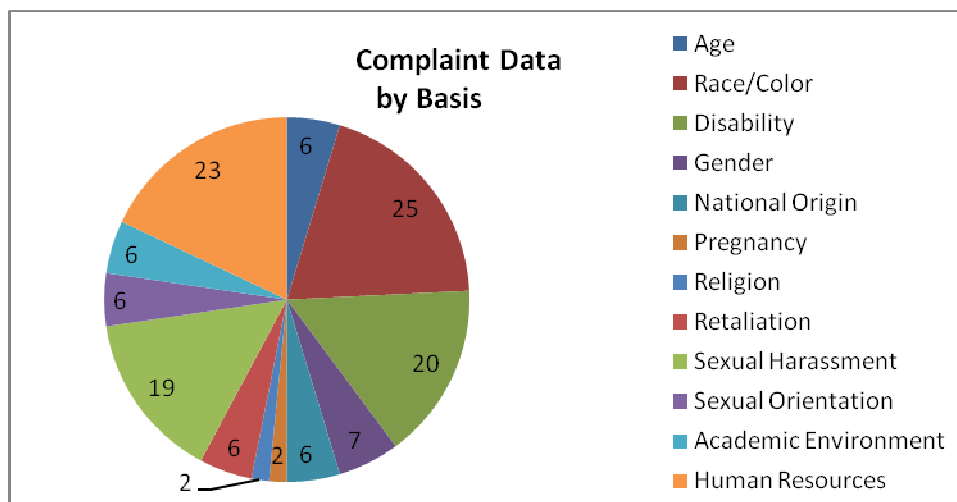
	Consult	Mediate	Investigate	Agency	Complaints Filed	% of Total
Faculty	18	0	1	3	22	19%
Staff	42	1	5	8	56	48%
Students	27	1	4	1	33	29%
Others	5	0	0	0	5	4%
<b>Total</b>	<b>92</b>	<b>2</b>	<b>10</b>	<b>12</b>	<b>116</b>	<b>100%</b>



**Other: Non-employee complaint**

**2009  
Complaint Data  
Summary by Basis**

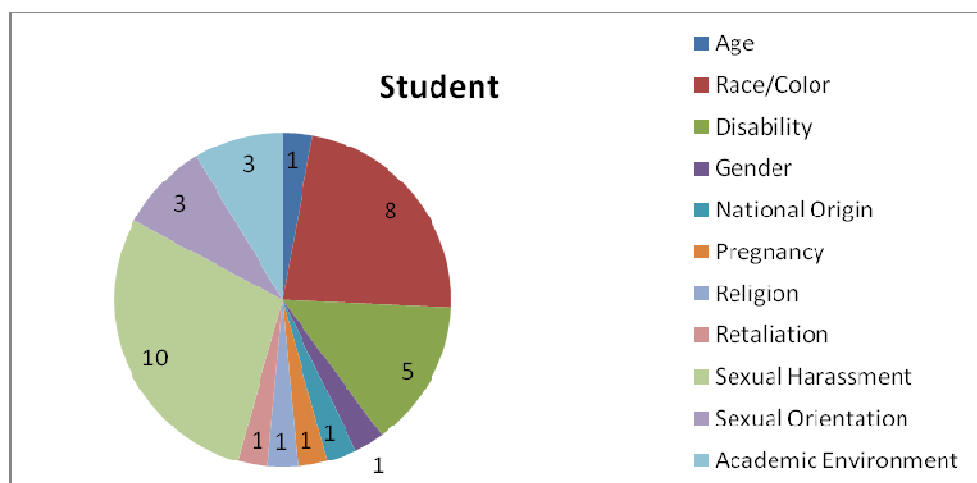
	Consult	Mediate	Investigate	Agency	Total
Age	3	0	1	2	6
Race/Color	16	0	2	7	25
Disability	19	0	0	1	20
Gender	5	0	0	2	7
National Origin	5	0	0	1	6
Pregnancy	2	0	0	0	2
Religion	2	0	0	0	2
Retaliation	1	0	0	5	6
Sexual Harassment	13	0	6	0	19
Sexual Orientation	6	0	0	0	6
Academic Environment	4	1	1	0	6
Human Resources	21	1	0	1	23
<b>Total</b>	<b>97</b>	<b>2</b>	<b>10</b>	<b>19</b>	<b>128</b>



**2009  
Complaints Data  
Summary by Basis**

**Student**

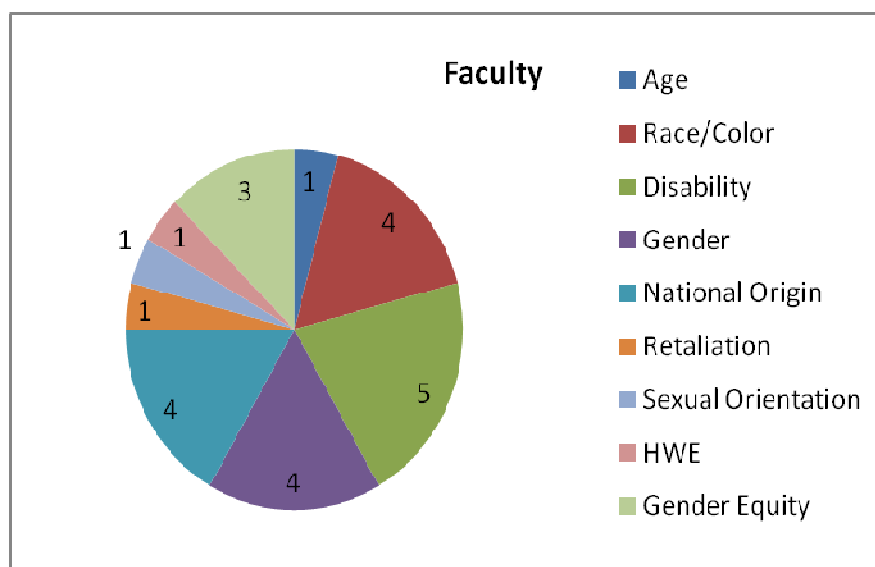
	Consult	Mediate	Investigate	Agency	Total
Age	0	0	0	1	1
Race/Color	5	0	2	1	8
Disability	5	0	0	0	5
Gender	1	0	0	0	1
National Origin	1	0	0	0	1
Pregnancy	1	0	0	0	1
Religion	1	0	0	0	1
Retaliation	0	0	0	1	1
Sexual Harassment	8	0	2	0	10
Sexual Orientation	3	0	0	0	3
Academic Environment	2	1	0	0	3
<b>Total</b>	<b>27</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>35</b>



**2009  
Complaints Data  
Summary by Basis**

**Faculty**

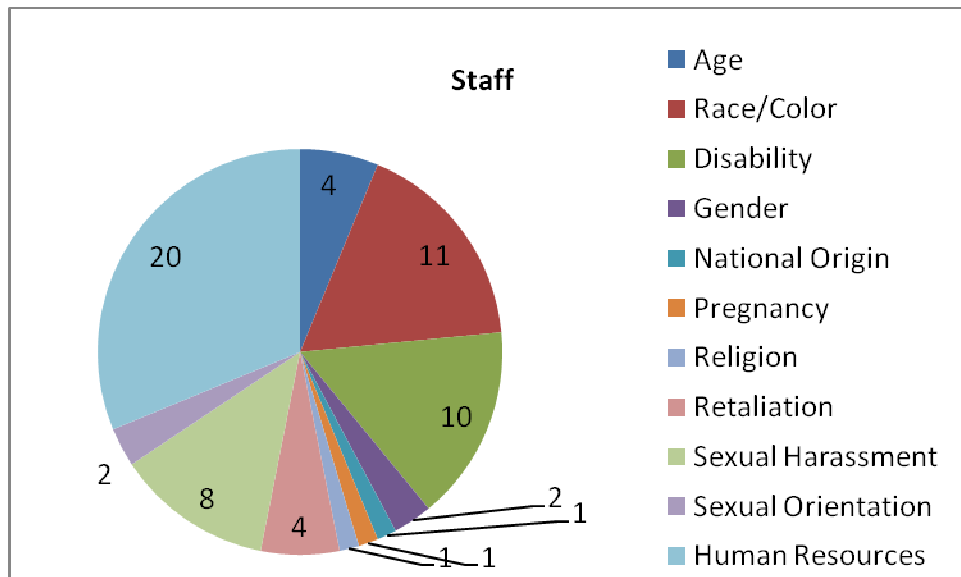
	Consult	Mediate	Investigate	Agency	Total
Age	1	0	0	0	1
Race/Color	2	0	0	2	4
Disability	5	0	0	0	5
Gender	3	0	0	1	4
National Origin	3	0	0	1	4
Retaliation	1	0	0	0	1
Sexual Orientation	1	0	0	0	1
Hostile Work Environment	1	0	0	0	1
Gender Equity	2	0	1	0	3
<b>Total</b>	<b>19</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>24</b>



**2009  
Complaints Data  
Summary by Basis**

**Staff**

-	Consult	Mediate	Investigate	Agency	Total
Age	2	0	1	1	4
Race/Color	7	0	0	4	11
Disability	9	0	0	1	10
Gender	1	0	0	1	2
National Origin	1	0	0	0	1
Pregnancy	1	0	0	0	1
Religion	1	0	0	0	1
Retaliation	0	0	0	4	4
Sexual Harassment	4	0	4	0	8
Sexual Orientation	2	0	0	0	2
Human Resources	18	1	0	1	20
<b>Total</b>	<b>46</b>	<b>1</b>	<b>5</b>	<b>12</b>	<b>64</b>

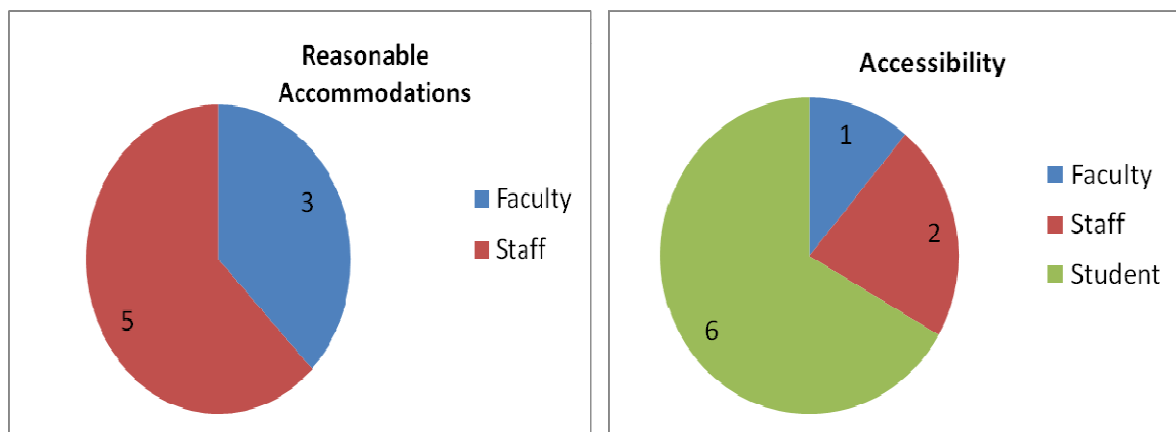


#### IV. **REASONABLE ACCOMMODATIONS**

The Office of Equal Opportunity is involved in the reasonable accommodation process for faculty, staff and students. Pursuant to the Americans with Disabilities Act of 1990 (ADA), the office works closely with supervisors, faculty, staff, students, Adaptive Educational Services, and the Department of Occupational Health Services to determine whether individuals with a disabilities are qualified under the law, and to ensure that they are afforded a reasonable accommodation to perform their jobs or perform in the classroom.

During 2009 the Office facilitated and/or processed reasonable accommodation requests for **eight individuals of which three were faculty and five were staff. The office also facilitated accessibility complaints for nine individuals of whom one was faculty, two were staff and six were students.** The Office also investigates claims of discrimination under the ADA and works with schools and departments to remedy those claims.

**2009**  
**Accommodation/Accessibility Issues**



## V. **PROGRAM DEVELOPMENT AND TRAINING**

The Office implemented an On-line Sexual Harassment training module designed to educate users about sexual harassment, applicable university policies and procedures, and the law. The module incorporates scenarios relevant to faculty, staff, administrators, students, as well as the medical environment and concludes with an exam and certificate upon successful completion. The module can be accessed at:

<http://training.newmedialearning.com/psh/iupui/index.htm>.

The Office is in the process of implementing an On-line Search and Screen training module for the campus in the 2010-2011 academic year. This module is intended as a general guide to the recruitment, selection and appointment process as monitored by IUPUI's Office of Equal Opportunity. The module addresses the entire search process and challenges and strategies for increasing the applicant pool. In addition, the module speaks to the cultural norms that candidates bring with them to the interview process; "Rater Errors" that speak to individual biases; and do's and don'ts related to the formal interview and informal discussions with candidates.

The OEO staff dedicates a significant amount of its time to the development and implementation of workshops and presentations that increase and enhance the awareness of the campus community of equal opportunity and inclusion. Moreover, the OEO staff meets annually with Deans, Senior and Executive Management to review their progress towards goals and provide strategies for achieving their diversity goals for their individual units and the campus as a whole.

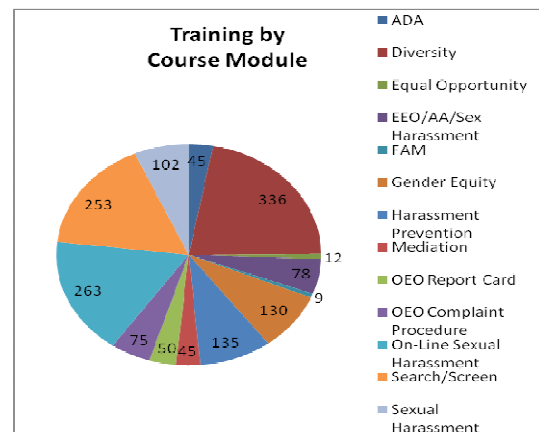
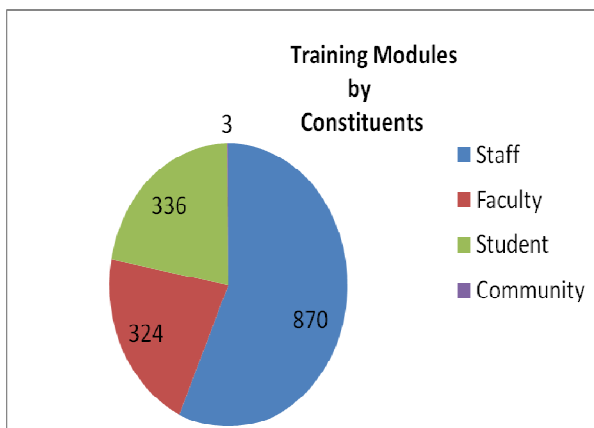
The Office partners with Human Resources Administration (HRA) for presenting the Fundamentals of Supervision (legal compliance) training series. In addition to the compliance training, this partnership has resulted in the development and offering of Meditation training to interested staff and faculty within the IUPUI community. Mediation training in particular is beneficial to those individuals whose role may require assisting others in the resolution of disputes.

The Office delivers compliance training and workshops on a variety of EEO/AA topics to students, faculty, staff and others members of the university community. Through these efforts, training was presented to **1,533 participants** that included Sexual Harassment, ADA, Diversity, EEO/AA, Faculty Applicant Monitoring, and search committee orientation.



**2009**  
**Participant Data by**  
**Training & Presentation**

Type	Staff	Faculty	Student	Community	Total
ADA	45	0	0	0	45
Diversity	169	27	140	0	336
Equal Opportunity	10	2	0	0	12
EEO/AA/Sex Harassment	76	2	0	0	78
FAM	9	0	0	0	9
Gender Equity	0	130	0	0	130
Harassment Prevention	92	43	0	0	135
Mediation	45	0	0	0	45
OEO Report Card	0	50	0	0	50
OEO Complaint Procedure	75	0	0	0	75
On-Line Sexual Harassment	95	29	139	0	263
Search/Screen	228	21	1	3	253
Sexual Harassment	26	20	56	0	102
<b>Total</b>	<b>870</b>	<b>324</b>	<b>336</b>	<b>3</b>	<b>1,533</b>



## **VI. LIAISON TO FEDERAL AND STATE AGENCIES**

The Office is very involved in organizations and activities related to its regulatory responsibilities that include the Indiana Industry Liaison Group (an alliance between the OFCCP, Department of Labor, and major federal contractors), the Equal Employment Opportunity Commission, the Indiana Civil Rights Commission, the Diversity Cabinet of Central Indiana, and the American Association for Affirmative Action. Additionally, the Office works with and responds to all federal and state compliance agencies when charges of discrimination or harassment are filed against the University.

## **VII. GOALS AND OBJECTIVES**

In addition to current efforts, the Office has identified goals and objectives for 2010 that include:

- Implement the On-line Search/Screen training module
- Explore and develop a web-based faculty application process – next generation of FAM
- Refine the Disability Accommodation Request Form
- Broaden communication of the Search and Screen process campus-wide
- Continue Mediation training to campus constituents
- Maximize opportunities to increase image building across the campus
  - Welcome Week
  - Staff Orientation
  - Faculty Orientation

***IUPUI***  
***Office of***  
***Equal Opportunity***

***Operating***  
***Policies and Procedures***

## EQUAL OPPORTUNITY REAFFIRMATION

*Memorandum to IUPUI Faculty, Staff, and Students from Chancellor Charles R. Bantz on May 25, 2007*

**A**t IUPUI, diversity means three things:

1. diversity is an educational and social asset to be reflected in our learning and work objectives;
2. the persons who comprise our academic community reflect both the current diversity of our service region as well as the evolving demographics of a state and city that aspire to participate fully in a global society; and
3. IUPUI's social and physical environment will enable all of its members to succeed to the fullest extent of their potential.

(Vision for Diversity at IUPUI, Adopted 2001)

**H**aving diversity in classrooms, research labs, clinical practice settings, and places of work are essential to the fundamental work of the University. If students are to learn, they must be encouraged to ask questions, seek knowledge from those with whom they disagree, and take part in open and honest debate. The ability to learn from and use diverse perspectives is instrumental to constructive problem solving and good citizenship. Therefore, it is essential that the campus have an environment that encourages interaction among individuals of diverse backgrounds. Moreover, all employees expect and deserve to work in a healthy, supportive atmosphere that respects differences.

**T**o help accomplish this, the Trustees of Indiana University adopted an equal opportunity/affirmative action policy that is based on resolutions dating from 1969 and reaffirmed unanimously in 1995. The trustees stated, "In reaffirming this policy, which has served us well, we must advocate and perpetuate performance which reflects this commitment. We must and will hold ourselves accountable for our decision and action."

**E**ach year, IUPUI reaffirms its commitment to equal opportunity and to observing requirements embodied in federal and state laws, executive orders, guidelines, and regulations designed to promote affirmative action and assure equal opportunity in education and employment. As part of that reaffirmation, we expect deans, directors, and others who have administrative responsibility and authority to carry out the policies of the trustees and to pursue our shared diversity goals effectively. In addition, we expect employees to perform their duties in a manner that clearly reflects the principle of equal opportunity in every aspect of university life through collaboration, cooperation and collegiality.

**T**he equal opportunity policy at IUPUI prohibits **discrimination or harassment against** anyone based on race, color, religion, national origin, sex, sexual orientation, marital status, age, disability, or veteran status.

**Retaliation against any person who complains of, or participates in, an investigation of unlawful discrimination or harassment is also prohibited.** We will continue to promote and provide equal opportunity in education and training programs, employment, admissions, and all other activities for faculty, staff, and students. All personnel actions, such as compensation and fringe benefits, transfer, promotion, training for employees, as well as all university-sponsored social and recreational programs, will be administered in accordance with our equal opportunity policy.

**R**esponsibility for communicating, interpreting, and monitoring the equal opportunity policy resides with Kim D. Kirkland, Director of the Office of Equal Opportunity at IUPUI. This office maintains a comprehensive program which has been accepted by all relevant agencies of the federal government. The Office of Equal Opportunity is located in the Union Building, 620 Union Drive, Suite 117, Indianapolis, IN 46202. Voice: (317) 274-2306 or TDD: (317) 278-2200.

## **IUPUI**

### **SEXUAL HARASSMENT POLICY**

#### **BACKGROUND/SUMMARY**

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

#### **POLICY**

IUPUI is subject to and governed by the Indiana University Policy Against Sexual Harassment, adopted by the Indiana University Board of Trustees on June 15, 1998. Indiana University-Purdue University Indianapolis (IUPUI) does not tolerate sexual harassment of students or employees of the University and responds to every complaint, providing proper remediation when harassment is determined to have occurred.

This policy is designed to protect all members of the University community. It applies to relationships among peers, superior/subordinate relationships, as well as all individuals, regardless of their gender or sexual orientation.

#### **PROVISIONS**

Faculty, staff and students have the right to raise issues of sexual harassment. Harassment or retaliation against complainants or others who participate in an investigation of a complaint will not be tolerated. Appropriate and prompt disciplinary or remedial action will be taken against persons found to be engaging in such harassment.

Sexual harassment can be a grievous action having serious and far-reaching effects on the careers and lives of individuals. False accusations can have a similar impact. Thus, a charge of sexual harassment will not be taken lightly by a complainant, a respondent, or any other member of the University community.

#### **COMPLAINT PROCEDURES**

Faculty, staff or students who believe they have been sexually harassed, or who believe they have observed sexual harassment, should notify their supervisor, an academic or student service dean or official and/or Kim D. Kirkland, Director of the Office of Equal Opportunity within a reasonable time. Both formal and informal procedures, including mediation, shall be utilized to resolve complaints and other incidents of sexual harassment. Complaints received by administrators or supervisors should be forwarded to the Office of Equal Opportunity for investigation and resolution. The Office is located in the Union Building, Suite 117, 620 Union Drive, Indianapolis, IN 46202. Voice: (317) 274-2306 or TDD: (317) 278-2200.

<http://www.iupui.edu/~oeo/policy/IUPUIinvestigativeOperatingProcedures.pdf>

## THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008

### BACKGROUND AND SUMMARY

The **Americans with Disabilities Act (ADA)**, Public Law 101-336, was enacted on July 26, 1990, "to provide a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities." This federal legislation requires equal treatment of disabled persons in employment, public services and transportation, public accommodations, and telecommunications services.

On September 25, 2008, the President signed the Americans with Disabilities Act Amendments Act of 2008 ("ADA Amendments Act" or "Act"). The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis. The Act makes important changes to the definition of the term "disability" by rejecting the holdings in several Supreme Court decisions and portions of EEOC's ADA regulations. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA – [http://www.eeoc.gov/laws/statutes/adaaa\\_info.cfm](http://www.eeoc.gov/laws/statutes/adaaa_info.cfm)

Indiana University-Purdue University Indianapolis (IUPUI), a public entity, as set forth in Title II of the ADA, is subject to the requirements of the Americans with Disabilities Act. Title II of the ADA prohibits discrimination against qualified individuals with disabilities with regard to services, programs and activities at IUPUI. IUPUI is prohibited from discriminating against qualified individuals with disabilities in its employment practices pursuant to Title I of the Americans with Disabilities Act.

### IUPUI NONDISCRIMINATION POLICY FOR PEOPLE WITH DISABILITIES

Indiana University-Purdue University Indianapolis is committed to the spirit and letter of the Americans with Disabilities Act. Heretofore, the University has been subject to the nondiscrimination provisions of Sections 503 and 504 of the Rehabilitation Act of 1973. Under Sections 503 and 504, the University has instituted various administrative policies, practices and procedures to ensure nondiscrimination against individuals with disabilities. These policies, practices and procedures have been amended to comply with the requirements of the Americans with Disabilities Act.

Accordingly, "no qualified individual with a disability shall, by reason of such disability, be either excluded from participation in, or be denied the benefit of services, programs, or activities" of Indiana University-Purdue University Indianapolis. Moreover, no qualified individual with a disability shall be discriminated against because of the disability with regard to the job application process, the hiring or discharge of employees, compensation, advancement, job training, and other terms, conditions and privileges of employment.

### COMPLIANCE RESPONSIBILITY

Responsibility for coordinating IUPUI's compliance with the requirements of the Americans with Disabilities Act resides with Kim D. Kirkland, Director of the Office of Equal Opportunity.

Additional information on policy or complaint procedures is available in the Office of Equal Opportunity located in the Union Building, Suite 117, 620 Union Drive, Indianapolis, IN 46202. Voice: Call (317) 274-2306 or TDD: (317) 278-2200.