CS 07 UNIVERSITY OF PITTSBURGH POLICY (formerly 07-01-03)

CATEGORY: PERSONNEL
SECTION: Recruitment
SUBJECT: Nondiscrimination, Equal Opportunity, and Affirmative Action
EFFECTIVE DATE: November 4, 2016 Revised
PAGE (S): 3

I. SCOPE

This policy affirms the University of Pittsburgh commitment to nondiscrimination, equal opportunity, and affirmative action in admissions, employment, access to and treatment in University programs and activities, in accordance with federal, state, and local laws and regulations. (Titles VI and VII of the Civil Rights Act of 1964, as amended; Executive Order 11246, as amended by Executive Order 11375; Revised Order No. 4; the Equal Pay Act of 1963, as amended; the Rehabilitation Act of 1973, as amended; the Vietnam Era Veterans Readjustment Assistance Act of 1974; Titles VII and VIII of the Public Health Service Act; Title IX of the Education Amendments of 1972; the Americans With Disabilities Act (ADA) of 1990, and all other applicable discrimination laws and ordinances of the United States, Commonwealth of Pennsylvania, the City of Pittsburgh, or other applicable regional governance.) Due to its unique aspects, sexual harassment is excepted from the scope and is separately addressed under Policy 06-05-01, Sexual Misconduct.

II. POLICY

Nondiscrimination

The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. Accordingly, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran. The University also prohibits and will not engage in retaliation against any person who makes a claim of discrimination or harassment or who provides information in such an investigation. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University's mission.

Definition of Harassment

Harassment on the basis of a protected group status (i.e., due to an individual's race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran) is a form of discrimination prohibited by this policy.

Harassment may occur through a wide range of conduct, such as by verbal, physical or electronic means when:

1. The conduct is severe or pervasive and objectively and subjectively has the effect of:
   a. Unreasonably interfering with an individual's work or equal access to education; or
   b. Creating an intimidating, hostile, or offensive work or academic environment; or

2. Such conduct, if repeated, is reasonably likely to meet the standard set forth in number 1 immediately above.

Harassment can occur on University premises or, under limited circumstances, off campus. It can occur between people of the same or different protected group statuses.

When constitutionally protected speech is implicated, this policy will be applied only to the extent consistent with the First Amendment. In addition to meeting the standard set forth above, to rise to the level of prohibited harassment when constitutionally protected speech is implicated, the law requires a tenable threat of material and substantial disruption of University operations or interference with the rights of others.

Affirmative Action

Responsibility for the implementation and monitoring of this policy and equal employment opportunity and affirmative action programs is delegated by the Chancellor to the Director of Affirmative Action, Diversity and Inclusion.

The Director of Affirmative Action, Diversity and Inclusion is responsible for:

- Updating policy statements and procedures concerning the University's Affirmative Action Program and ensuring that University policies conform with all applicable federal, Commonwealth, and local laws concerning nondiscrimination, equal opportunity, and affirmative action.

- Reviewing, assisting in the development, and monitoring programs established under the University's Affirmative Action Program.

- Facilitating the collection, maintenance, and analysis of all statistical data called for in this Program and/or in the Program's implementation guidelines.

- Coordinating the preparation of all required government reports which relate to equal opportunity and/or affirmative action programs within the University.

- Providing any technical and/or administrative assistance required to meet the responsibilities mandated by the University's Program or by applicable equal employment opportunity and/or affirmative action laws and regulations for all responsibility centers, divisions, departments, or individuals within the University.

- Providing staff, technical support and general assistance to affirmative action committees.

- Reviewing all hiring, promotion, transfer, compensation, tenure, advertising and/or publicity, admissions, financial aid, and institutional access policies within the University to help ensure that these comply with the requirements of federal, Commonwealth, and local laws and regulations and with University-wide policies relating to nondiscrimination, equal opportunity, and affirmative action.

- Implementing, assisting, or monitoring the grievance process in all cases where grievances related to discrimination matters arise within the University.

- Assuring that all official publications of the University contain a statement of the University's Nondiscrimination Policy Publication Statement.

- Preparing and updating the Affirmative Action Program of the University annually for the Chancellor's review and approval.

University Nondiscrimination Policy Publication Statement

The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. Accordingly, as fully explained in Policy 07-01-03, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran. The

University also prohibits and will not engage in retaliation against any person who makes a claim of discrimination or harassment or who provides information in such an investigation. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University's mission. This policy applies to admissions, employment, access to and treatment in University programs and activities. This is a commitment made by the University and is in accordance with federal, state, and/or local laws and regulations.

For information on University Institutional Engagement and Wellbeing programs, please contact: University of Pittsburgh, Vice Chancellor for Institutional Engagement and Wellbeing Clyde Pickett Ed.D., 31st Floor, Cathedral of Learning, 4200 Fifth Ave. Pittsburgh, PA 15260, (412) 648-7860.

For complete details on the University's Nondiscrimination Policy, please refer to Policy CS 07. For information on how to file a complaint under this policy, please refer to Procedure CS 07.

Dissemination of the University of Pittsburgh's Nondiscrimination Policy Publication Statement

The University will inform all external recruiting sources, unions, contractors, other colleges and universities, organizations specializing in the recruitment of minorities and women, and other groups with whom it cooperates, of the University's Nondiscrimination Policy Publication Statement.

The Nondiscrimination Policy Publication Statement is to appear in all University course and program catalogs; student, faculty, and staff handbooks and policy manuals; brochures, pamphlets, magazines, and newsletters concerning educational programs, admissions, housing, financial assistance, employment, student life, and extracurricular activities; and grants, contracts, and purchase orders. Smaller publications such as fliers, posters, handouts, and bulletins pertaining to those areas cited above may carry either the Nondiscrimination Policy Publication Statement or the statement that, "The University of Pittsburgh is an affirmative action, equal opportunity institution." All advertisements for employment must include the notation "EEO/AA/M/F/Vets/Disabled" and/or a longer phrase approved by the Office for Institutional Engagement and Wellbeing that satisfies the University's legal obligations for employment advertising and otherwise reflects the University's commitment to diversity and non-discrimination.

University Pay Transparency Policy Statement

The University of Pittsburgh will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant.

However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

Dissemination of the Pay Transparency Policy Publication Statement

The above pay transparency policy statement or an electronic link to this Policy shall be included in all handbooks for University employees, including staff and faculty handbooks. The pay transparency policy statement shall also be posted electronically and in hard copy format in conspicuous places where other required notices are provided to applicants and employees.

III. REFERENCES

Procedure CS 07, Nondiscrimination, Equal Opportunity, and Affirmative Action (formerly 07-01-03)

Policy CS 20, Sexual Misconduct (formerly 06-05-01)

Notice of Non-Discrimination