1.7.4 EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION, AND AFFIRMATIVE ACTION POLICY

Last updated on: 11/11/2020
Formerly Known As Policy Number: 2.2.1

The policies in this Guide Memo are fundamental to Stanford University's employment policies.

Authority:
Approved by the President of the University.

Applicability:
This policy applies to all faculty, staff and others who participate in Stanford programs and activities including Stanford affiliates providing services to Stanford such as mentors and volunteers, and other third parties, such as contractors and vendors. Its application includes Stanford programs and activities both on and off-campus, including overseas programs.

1. Equal Employment Opportunity

It is the policy of Stanford University to provide equal employment opportunities for all applicants and employees in compliance with all applicable laws. This policy applies in all aspects of the employment relationship including (but not limited to) recruiting, selection, placement, supervision, working conditions, compensation, training, promotion, demotion, transfer, layoff, and termination. All university personnel policies, procedures, and practices must be administered consistent with the intent of this policy.

2. Protection against Discrimination

(a) Stanford University does not discriminate on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, age, sex, sexual orientation, gender, gender identity, gender expression, military status, veteran status, or any other characteristic protected by law, in connection with any aspect of employment at Stanford.

(b) Harassment on the basis of any legally protected characteristic is a form of discrimination and is likewise prohibited by this university policy. Prohibited harassment occurs if a hostile environment has been created that is sufficiently severe, pervasive, or persistent so as to unreasonably interfere with a person’s work performance or participation in university activities.

Prohibited harassment may take the form of (but is not limited to) offensive slurs, jokes, and other offensive oral, written, computer-generated, visual or physical conduct which is aimed at an individual or group because of their protected status.
3. Affirmative Action

As a matter of institutional policy and consistent with its obligation as a federal government contractor, Stanford University is committed to principles of diversity and affirmative action, and will comply with all affirmative action requirements in accordance with law.

4. Internal Reporting and Resources

(a) Staff or applicants who believe they have been discriminated against, harassed, or retaliated against in violation of this policy should report their complaint to University Human Resources, Employee & Labor Relations, at stanfordelr@stanford.edu [1] or 650-721-4272.

They may also direct their complaint to any of the following:

- their supervisor,
- their local Human Resources office,
- the Title IX Office at titleix@stanford.edu [2] or 650-497-4955, for concerns regarding sexual harassment, or the Office of Diversity and Access at equalopportunity@stanford.edu [3] or 650-723-0755,
- University Human Resources/Employee & Labor Relations at stanfordelr@stanford.edu [1] or 650-721-4272.

Any individual or office who receives a concern about discrimination or harassment relating to staff or applicants should report the concern to University Human Resources, Employee & Labor Relations, for follow-up as appropriate.

(b) Other Resources

Other resources are also available to faculty, staff and students to report or discuss their concerns.

- Concerns may be reported anonymously through the Ethics and Compliance Helpline [4].
- Discussion of concerns with the following offices will not constitute “notice” to the university, nor will it create a record of the concerns with the university:
  - The University Ombuds at 650-723-3682,
  - The School of Medicine Ombuds at 650-498-5744,
  - The Faculty & Staff Help Center at 650-723-4577, and
  - The Office for Religious & Spiritual Life at (650) 723-1762.

In addition, students may contact the following offices:

- Counseling and Psychological Services at 650-498-2336, and
- Confidential Support Team at 650-725-9955, who specialize in sexual violence and domestic/dating violence.

(c) For faculty and staff concerns, reports of discrimination, harassment, or retaliation should be made orally or in writing and as soon as possible. The earlier the report, the easier it is to investigate and take appropriate remedial action. Supervisors/managers and Human Resources professionals are expected to report to University Human Resources, Employee & Labor Relations, any complaints of discrimination, harassment, or retaliation of which they are aware. Remedial actions can include university intervention by a Human Resources professional, other faculty or staff, or sometimes an outside party unrelated to the university, or, where facts are in dispute, an investigation.
Making a false report or providing false information may be grounds for discipline in the absence of a good faith belief that the report/information is true.

5. Investigations

The university is committed to promptly and fairly investigating and remediating claims of discrimination, harassment, and retaliation. Investigations are conducted as necessary by impartial and qualified personnel and will reach conclusions based on the evidence collected. Unless otherwise required by law, the guideline for investigations to conclude is 90 days; however, this timeline may be extended in some cases, such as complex matters or where there are unforeseen circumstances. Personnel conducting investigations will document and track investigations for reasonable progress and timely closures. If inappropriate conduct or misconduct is found, appropriate corrective and/or disciplinary action will be taken. All individuals covered by this policy are expected to fully and truthfully cooperate in the investigation of any claim of discrimination, harassment, or retaliation. Failure to cooperate and/or be truthful in an investigation when requested may be grounds for discipline.

Depending upon an individual's category of employment (e.g., faculty, academic staff, regular staff, postdoctoral scholar, etc.) and the nature of the complaint, applicable grievance or other procedures [5] also may be used to report complaints or to appeal findings of an investigation.

6. Confidentiality

The university recognizes the importance of confidentiality. Personnel responsible for implementing this policy will respect the confidentiality and privacy of individuals reporting or accused of discrimination, harassment, and retaliation to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances when the law requires disclosure of information and/or when disclosure by the university is necessary to protect the safety of others.

7. Protection Against Retaliation

Stanford University policy prohibits retaliation against individuals who raise concerns of perceived discrimination or harassment or who participate in the investigation of any claim of discrimination or harassment. Retaliation is any materially adverse action that would dissuade a reasonable person from making or supporting a claim of harassment or discrimination. Retaliation violates the law and Stanford’s policy. Retaliation can be direct such as changing an employee’s work location, work assignments, pay or schedule, or it can be indirect such as intimidating, threatening, or harassing an employee who has raised a claim or participated as a witness in an investigation. All parties to a concern are prohibited from engaging in intimidating actions directly or indirectly through other persons.

8. External Reporting

Discrimination, harassment, and retaliation is prohibited by state and federal law. In addition to the internal resources described above, individuals may pursue complaints directly with the government agencies that deal with unlawful discrimination, harassment, and retaliation claims, e.g., the U.S. Equal Employment Opportunity Commission (EEOC) [6],
the U.S. Department of Education's Office for Civil Rights (OCR) [7], and/or the State of California Department of Fair Employment and Housing (DFEH) [8]. A violation of this policy may exist even where the conduct in question does not violate the law.


Links
[1] mailto:stanfordelr@stanford.edu
[2] mailto:titleix@stanford.edu
[3] mailto:equalopportunity@stanford.edu
[7] https://www2.ed.gov/about/offices/list/ocr/index.html