

Effective: August 29, 2011

**SOCIAL EQUITY & DIVERSITY POLICY
PREVENTING SEXUAL HARASSMENT
AND SEX DISCRIMINATION**

Approved May 3, 2011 – President’s Cabinet
Revised December 6, 2010 – University Legal Counsel
Approved August 26, 2003

This policy statement describes the University's position regarding sexual harassment and sex discrimination and outlines the procedures to be followed when reporting claims of sexual harassment or sex discrimination.

- 1. PURPOSE.** Millersville University is committed to assuring that its educational and employment environment is free from unlawful discrimination and harassment based upon an individual’s sex.

Sexual harassment, in any form, is considered unacceptable behavior and counterproductive to the mission of an educational institution in which students, faculty, and staff form bonds based on intellectual trust and dependence. The University regards sexual harassment behavior, whether verbal, non-verbal, written or physical, as a violation of the standards of conduct required of all persons associated with the institution. Accordingly, those inflicting such behavior on others are subject to the full range of internal institutional disciplinary actions up to, and including, separation from the University.

Likewise, acts of retaliation will not be tolerated and are subject to the same range of disciplinary actions. The University regards any retaliatory behavior as unacceptable and is committed to protecting the rights of any student and/or employee who reports any allegations of sexual harassment against any retaliation. Retaliation will be considered a separate offense.

- 2. DEFINITIONS.**

a. Sex Discrimination: Conduct that denies or limits an individual’s ability to benefit from or fully participate in educational programs or activities or employment opportunities because of an individual’s sex.

Examples of the types of discrimination that are covered under Title IX include, but are not limited to, disparate treatment, failure to provide equal opportunity in educational programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

b. Sexual Harassment: The Equal Employment Opportunity Commission, the federal agency responsible for enforcing Title VII of the Civil Rights Act, defines sexual harassment as: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting such individual.
3. Such conduct has the effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.
4. Behavior will be considered "unwelcome" if the individual did not solicit or invite it and particularly if s/he indicates that s/he finds the conduct undesirable or offensive. Acquiescence or failure to complain does not mean that the conduct is welcome. However, if a student or employee actively participates in sexual banter or discussions without giving an indication that s/he does not like it, it will probably not meet the definition of "unwelcome." Not every act that might be offensive to an individual or a group necessarily will be considered as harassment and/or a violation of the University's standard of conduct. In determining whether an act constitutes harassment, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom and advocacy.
5. In Davis v. Monroe County Board of Education, 526 U.S. 629 (1999), the U.S. Supreme Court ruled that in order to constitute sex discrimination in violation of Title IX of the Education Amendments of 1972, the harassment must be "so severe, pervasive and objectively offensive that it can be said to deprive the victim's access to the educational opportunities or benefits provided by the school."

3. **RESPONSIBILITIES.** The University is responsible for educating all of its students, faculty, and staff regarding what constitutes sexual harassment and sex discrimination and what steps will be taken to resolve complaints.

Each dean, director, department chairperson, and/or administrative officer is responsible within his/her respective area for the implementation, dissemination, and explanation of this policy. Assistance in accomplishing these tasks may be obtained by contacting the Title IX Coordinator/Assistant to the President for Social Equity & Diversity (Delaware House, 872-3787 or 872-3788) or the Associate Vice President for Human Resources (Dilworth Administration Building, 872-3017). It is the obligation of each student, faculty, and staff member to adhere to this policy as well as visitors, contractors or vendors who come to the campus.

4. **REPORTING AND RESPONDING.** All members of the University community are encouraged to report if they observe or encounter conduct that may be subject to the University's Policy on Preventing Sexual Harassment and Sex Discrimination. Reports of sexual harassment or sex discrimination may be brought to the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources or to any manager, supervisor or other designated employee listed in the University Resources section (Section 7) of this policy. If the person to whom harassment or discrimination normally would be reported is the individual accused of harassment or discrimination, reports should be made to another manager, supervisor, or designated resource person. Reports of discrimination or harassment should be brought as soon as possible after the alleged conduct occurs or within 180 days.

5. **PROCEDURES.**

a. **Informal Mechanisms for Mediation and Resolution.** Informal review and consultative processes are a highly desirable means of resolving problems. The University believes that a strong, informal system for receiving and handling most complaints will encourage resolution. Any person may contact the Title IX Coordinator/Assistant to the President for Social Equity & Diversity and/or the Associate Vice President for Human Resources for informal discussion, advice, and assistance. All discussions held under this informal procedure shall have the goal of resolving the matter without the necessity of entering into the formal complaint procedure. These contacts will be handled in a confidential manner and all allegations will be promptly addressed. An advisor may assist the individual throughout the resolution process and may accompany the individual involved in such informal discussions to the Office of Social Equity & Diversity. Any written records associated with the resolution of a problem during these informal proceedings will be kept in the office of the

Title IX Coordinator/Assistant to the President for Social Equity & Diversity. The Title IX Coordinator/Assistant to the President for Social Equity & Diversity will attempt to complete the informal review and consultative process within thirty (30) days of receiving the complaint. If more time is needed the Title IX Coordinator/Assistant to the President for Social Equity & Diversity will so advise the Complainant.

If any office or person other than the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources receives an informal complaint, this resource person must notify the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources. Absent a formal request, no other person other than those specifically designated may conduct any investigation into the complaint. To the extent possible, the complaint shall remain confidential.

b. Formal Mechanisms for Resolution. When informal resolution is not chosen or is unsatisfactory, complainants are to use the following formal mechanisms. Note that an advisor may assist an individual throughout the formal resolution process and may accompany an individual involved in such formal discussions to the Office of Social Equity & Diversity.

- (1) Harassment or Discrimination by a Faculty Member.** Formal complaints against a faculty member, graduate assistant, or any other person assisting with the instructional program brought by a student, staff member, or another faculty member should be brought to the attention of the appropriate dean or vice president who shall directly contact the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources. Reports also may be directly made to the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources.
- (2) Harassment or Discrimination by a Staff Member.** Formal complaints against a staff member brought by a student, faculty member, or another staff member should be brought to the Director of the staff member or the appropriate vice president, who will directly contact the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources.
- (3) Harassment or Discrimination by Students.** Formal complaints against a student brought by a staff member, a faculty member, or another student, should be brought to the

Assistant Vice President for Student Affairs, the Vice President for Student Affairs or directly to the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources. The procedures for handling such matters involving students and/or student organizations are detailed in the Student Code of Conduct found in the Millersville University Student Handbook.

- (4) Harassment or Discrimination by Outside Vendors.** Complaints of harassment by outside vendors and/or subcontractors should be reported to the Vice President for Finance and administration, the Director of Facilities Management, or the Associate Vice President for Human Resources who shall directly report such incidences to the Title IX Coordinator/Assistant to the President for Social Equity & Diversity. Complaints can also be made directly to the Title IX Coordinator/Assistant to the President for Social Equity & Diversity.
- (5) Harassment or Discrimination by Visitors.** Complaints against visitors brought by a staff member, a faculty member, or a student shall be filed with the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the appropriate Vice President.
- (6)** A report as to the factual finding of an investigation will be forwarded to the appropriate Vice President. The complainant and the respondent will meet with the investigators to review the findings. If there is a finding of sexual harassment or discrimination, the University will take prompt and effective action to prevent the recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.
- (7)** Any written records associated with a formal investigation will be maintained in the Office of Social Equity & Diversity.

If any office or person other than the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources receives a formal complaint, this resource person shall notify the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources. No other person other than those specifically designated may conduct any investigation. To the extent possible, the complaint shall remain confidential. All investigations will be conducted promptly in an impartial

and reliable manner. The Offices of Social Equity & Diversity and Human Resources will attempt to complete their investigation and issue findings within sixty (60) days of the initiation of the formal complaint if possible. All parties shall have rights to present testimony of witnesses and other evidence relevant to the complaint.

6. **APPEALS.** If the complainant finds the resolution or administrative action unsatisfactory, he or she may file an appeal with the University President within 15 days of being advised of the outcome of the investigation.
7. **UNIVERSITY RESOURCES.** The following University resources are available to all members of the university community who seek information about University policies on sexual harassment and sex discrimination, standards of behavior, informal and formal mechanisms for resolving complaints, and resources for complainants and respondents.

These resources for informational purposes include, but are not limited to, the following:

OFFICE	LOCATION	PHONE
President	Biemesderfer Exec. Center	872-3591
Title IX Coordinator/ Assistant to the President for Social Equity & Diversity	Delaware House	872-3787
Associate Vice President for Human Resources	Dilworth Adm. Building	872-3017
Provost and Vice President for Academic Affairs	Biemesderfer Exec. Center	872-3596
Vice President for Finance and Administration	Dilworth Adm. Building	872- 3043
Vice President for Student Affairs	Student Memorial Center	872-3594
Vice President for Information Resources	Boyer Computer Center	872-3971
Vice President for University Advancement	Duncan Alumni House	872-3775

Dean, Humanities and Social Sciences	McComsey Hall	872-3553
Dean, Education	Stayer Education Center	872-3379
Dean, Science and Mathematics	Caputo Hall	872- 3407
Director, Women's Center	Montour House	871-2238
Director of Housing & Residential Programs	Harbold Hall	871-3162

Additional Resources – The University encourages the utilization of this policy as a means of expeditiously resolving issues addressed within this policy. Other external resources also include:

State Employees Assistance Program	800-692-7459
Pennsylvania Human Relations Commission	717-787-4410
Equal Employment Opportunity Commission	800-669-4000
Office for Civil Rights	215-656-8541

8. GENERAL INFORMATION.

a. Receiving Complaints. Any person receiving a complaint from any member of the University community must immediately forward a report of the matter to the office of the Title IX Coordinator/Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources. Such reports should contain the following information:

- (1) Names of the people involved.
- (2) Description of the complaint.
- (3) School or administrative unit(s) in which the complainant and respondent works or resides.
- (4) Status of complaint.

All the information in such a report must be kept confidential.

b. Annual Summary of Incident Reports. The Title IX Coordinator/Assistant to the President for Social Equity & Diversity shall submit an annual summary report of the number of complaints and the number of allegations resulting in informal or formal fact-finding to the President.

c. Sexual harassment and sex discrimination are serious matters, which can have far-reaching effects on the careers and lives of individuals. False or malicious accusations can have similar effects and to that degree can also be the subject of disciplinary action.

d. A charge of sexual harassment or sex discrimination is not to be taken lightly by a complainant, a respondent, or any other member of the University community.

e. Any member of the University community who attempts to interfere with, restrain, coerce, discriminate against, or harass (overtly or covertly) any individual responsibly pursuing a complaint of sexual harassment or sex discrimination can be subject to appropriate disciplinary action.

- 9. EDUCATION AND PREVENTION.** The prevention of sexual harassment and sex discrimination and the establishment of effective procedures with due concern for all parties requires a comprehensive educational plan. The University provides information concerning; **a)** definitions of harassment and discrimination; **b)** examples of incidents of harassment and discrimination; **c)** sources of support and information for victims and respondents to the charge of harassment and discrimination; **d)** mediation and resolution resources. Faculty, staff, administrators, and students must share some responsibility for creating and maintaining an environment free from sexual harassment and sex discrimination, therefore, the University provides an online sexual harassment prevention tutorial which can be accessed by visiting the Office of Social Equity & Diversity webpage www.millersville.edu/~socialeq. Deans, Directors, Department Chairs, and Administrative heads are required to discuss this policy and issues of harassment during meetings of faculty and staff.

An overall educational program for students dealing with issues of peer sexual harassment and providing information, definition, support, identification of resources, and exploration of behavioral alternatives is facilitated at Student Orientation and through Women's and Wellness programming.

- 10. EXIT INTERVIEWS.** The University will periodically survey departing students, faculty, and staff to measure the existence and frequency of reports of sexual harassment and sex discrimination. If it is discovered that possible sexual harassment or sex discrimination has occurred, the Title IX Coordinator/Assistant to the President for Social Equity & Diversity and Associate Vice President for Human Resources will follow up with exit interviews. Based on the data yielded by these surveys and the annual reports of the Office of Social Equity & Diversity, the University administration and the Commission on the Status of Women will determine,

in consultation with the President's Executive Cabinet, whether there is need for further steps to be taken on the issue of sexual harassment and sex discrimination.

11. **IMPLEMENTATION.** The Office of the President and the Vice Presidents of the University will be responsible for the implementation of this policy.
12. **CONSENSUAL RELATIONSHIPS.** Because the relationship between a teacher and student is central to the academic mission of the University, it is essential to establish the expectation that the standard of conduct in that relationship goes beyond the proscription against sexual harassment as defined in the University policy. A non-academic or personal relationship may interfere with the student/teacher relationship, and may violate standards of conduct expected by the University. Non-academic or personal ties should not be allowed to interfere with the academic integrity of the student/teacher relationship.

The University deems sexual relationships between a faculty member and a current student of that faculty member as inappropriate and unethical. This category includes relations between a graduate student and an undergraduate when the graduate student has some supervisory academic responsibility for the undergraduate. In addition, it includes relations between a student and an administrator, coach, advisor, program director, counselor, or residential staff member who has supervisory responsibility for that student.

It is the responsibility of the Provost, Deans, Department Chairpersons, Vice Presidents, and other Administrative personnel to respond to allegations of inappropriate and unethical behavior brought to their attention.

13. **ACKNOWLEDGMENTS.** This document was developed by the Commission on the Status of Women, the Office of Social Equity & Diversity, and the Office of Human Resources.

Millersville University wishes to acknowledge contributions from the University of Pennsylvania and University of California at San Francisco Sexual Harassment Policies.

Millersville University is committed to ensuring equal opportunity to all persons, regardless of race, color, religion, national origin, ancestry, sex, or handicapped status. This policy extends to employment within and admission to the University and is in compliance with all federal laws, including Title IX of the Educational Amendments of 1972. For further information, contact the Title IX Coordinator/Assistant to the President for Social Equity & Diversity.