

POLICY STATEMENT

Subject SEXUAL HARASSMENT POLICY		Number 275.01 Amended	
Date August 26, 2003	Dist. Code A	Originating Office V.P. for Finance & Administration	By Direction of Dr. Francine McNairy President

This policy statement describes the University's position and policies regarding sexual harassment and outlines the procedures to be followed when a member of the University community feels that these policies have been violated.

1. **PURPOSE.** Millersville University is committed to eradicating sexual harassment for all students, faculty, and staff. 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. **DEFINITION.** Section 1604 of Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and the Pennsylvania Human Relations Act defines sexual harassment in the following manner: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment (or education)
 - b. Submission to or rejection of such conduct by an individual is used as the basis for an employment (or academic) decision affecting such individual
 - c. Such conduct, of a severe or pervasive manner, that has the purpose or effect of interfering with the individual's work (or academic) performance or creating an intimidating, hostile, or offensive working (educational or living) environment.
 - d. UNWELCOME: 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".
3. **RESPONSIBILITIES.** The University is responsible for educating all of its students, faculty, and staff regarding what constitutes sexual harassment 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 Assistant to the President for Social Equity & Diversity (Delaware House, x3787 or 3788) or the Associate Vice President for Human Resources (Dilworth Administration Building, x3017). 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. **PROCEDURES.**
- a. Informal Mechanisms for Mediation and Resolution. Informal review and consultative processes are 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 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. Another Millersville University employee, union representative or another Millersville University student who may advise and assist the individual throughout the resolution process may accompany any person involved in such informal discussions to the Office of Social Equity & Diversity. The foregoing does not apply to any employee of Millersville University who is not a member of a collective bargaining unit and who is the subject of a sexual harassment investigation as described herein. Any written records associated with the resolution of a problem during these informal proceedings will be kept in the office of the Assistant to the President for Social Equity & Diversity.

If any office or person other than the Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources receives a complaint, this resource person must notify the 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.

The University urges any student, faculty or staff member to file any allegation of sexual harassment with the Assistant to the President for Social Equity & Diversity and/or the Associate Vice President for Human Resources. Alleged victims have the responsibility to file complaints in a timely manner. Allegations must be filed within 120 days of the alleged act.

- b. Formal Mechanisms for Resolution. When informal resolution is not chosen or is unsatisfactory, complainants are to use the following formal mechanisms. Note that another Millersville University employee, union representative or another Millersville University student who may advise and assist an individual throughout the formal resolution process may accompany any person involved in such formal discussions to the Office of Social Equity & Diversity. The foregoing does not apply to any employee of Millersville University who is not a member of a collective bargaining unit and who is the subject of a sexual harassment investigation as described herein.
 - (1) Harassment 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 Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources. Reports also may be directly made to the Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources

- (2) Harassment 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 Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources.
- (3) A report as to the factual finding of an investigation will be forwarded to the President and/or the appropriate Vice President.
- (4) Any written records associated with a formal investigation will be maintained in the Office of Social Equity & Diversity.
- (5) Harassment 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 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.
- (6) Harassment 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 Assistant to the President for Social Equity & Diversity. Complaints can also be made directly to the Assistant to the President for Social Equity & Diversity.

- (7) Harassment by Visitors. Complaints against visitors brought by a staff member, a faculty member, or a student shall be filed with the Assistant to the President for Social Equity & Diversity and brought to the attention of the appropriate Vice President.

If any office or person other than the Assistant to the President for Social Equity & Diversity or the Associate Vice President for Human Resources receives a complaint, this resource person shall notify the 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. To the extent possible, the complaint shall remain confidential.

5. UNIVERSITY RESOURCES. The following university resources are available to all members of the university community who seek information about university policies on sexual harassment, standards of behavior, informal and formal mechanisms for resolving complaints, and resources for complainants and respondents.

However, the Assistant to the President for Social Equity & Diversity and/or the Associate Vice President for Human Resources must be contacted in order to commence either a formal investigation or an informal resolution process to any alleged complaints.

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

<u>OFFICE</u>	<u>LOCATION</u>	<u>PHONE</u>
President's Office	Biemesderfer Center	x3591
Assistant to the President for Social Equity & Diversity	Delaware House	x3787
Associate Vice President for Human Resources	Dilworth Building	x3017
Provost and Vice President for Academic Affairs	Biemesderfer Center	x3596

Vice President for Finance and Administration	Dilworth Building	x3043
Vice President for Student Affairs	Biemesderfer Center	x3594
Vice President for Information Technology	Boyer Computer Center	x3971
Vice President for University Advancement	Duncan Alumni House	x3775
Dean, Humanities and Social Sciences	McComsey Hall	x3553
Dean, Education	Stayer Ed Center	x3379
Dean, Science and Mathematics	Caputo Hall	x3407
Director, Women's Center	Montour House	x2241
Resident Hall Directors	Residence Halls	

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	1-800-692-7459
Pennsylvania Human Relations Commission	(717) 787-4410
Lancaster County Human Relations Commission	(717) 299-7840

6. 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 Assistant to the President for Social Equity & Diversity. 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 work.

(4) Status of complaint.

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

- b. Annual Summary of Incident Reports. The 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 is a serious matter, 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 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 can be subject to appropriate disciplinary action.
7. EDUCATION AND PREVENTION. The prevention of sexual harassment and the establishment of effective procedures with due concern for all parties requires a comprehensive educational plan. The University will provide information concerning; a) definitions of harassment; b) examples of incidents of harassment; c) sources of support and information for victims and respondents to the charge of harassment; d) mediation and resolution resources available. Deans, Directors, Department Chairs, and Administrative heads will be required to discuss this policy and issues of harassment during meetings of faculty and staff.

Faculty/staff who serve in an advisory capacity to students will receive training about referrals, resources, and methods for handling instances of harassment. The Office of Social Equity & Diversity, Office of Human Resources, and the Commission of the Status of Women will assist in the development of such training programs.

An overall educational program for students dealing with issues of peer harassment and providing information, definition, support, identification of resources, and exploration of behavioral alternatives, will be developed by the Office of Student/Resident Life in consultation with the Office of Social Equity & Diversity and the Commission on the Status of Women.

The University will publish the operative portions of this policy statement annually and will include the resources available to advise, counsel, and assist in the mediation of harassment allegations. The information will explain how and where to contact University wide resources and will be posted in conspicuous locations.

8. **EXIT INTERVIEWS.** The University will periodically survey departing students, faculty, and staff to measure the existence and frequency of reports of harassment. If it is discovered that possible harassment has occurred, the Assistant to the President for Social Equity & Diversity and Associate Vice President for Human Resources will follow up 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 harassment.
9. **IMPLEMENTATION.** The Office of the President and the Vice Presidents of the University will be responsible for the implementation of this policy.
10. **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 relations 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.

11. 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's Sexual Harassment Policy.

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 Assistant to the President for Social Equity & Diversity.

Approved by:

August 26, 2003

President's Executive Cabinet

Vice President for Finance and Administration