

# Discrimination and Harassment Policy

---

## **Policy Statement**

Slippery Rock University's discrimination and harassment policy seeks to provide an environment that is free from discrimination, including the form of discrimination recognized as harassment based upon race, color, sex, sexual orientation, gender identity, gender expression, national origin, religion, age, disability, age/or veteran status in accordance with applicable federal and state laws and regulations.

## **Legal Authority**

Discrimination is currently prohibited under federal law by Titles IV, VI and VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972 and under state law by the Pennsylvania Human Relations Act. Other statutes that may be involved in this area are the Americans with Disabilities Act and the Age Discrimination in Employment Act. Applicability of any of these statutes to the university is subject to future legislative or court actions.

## **Definitions**

Under this policy, the university definition of discrimination is intended at all times to be construed in accordance with applicable laws. As such, discrimination is generally defined as actions taken based upon the factor of the person's or group's race, gender, national origin, religion, age, disability or other protected-class status. There are generally two types of discrimination recognized: disparate treatment and disparate impact. Disparate treatment involves a person being treated differently because of race, gender, disability or other protected-class status. Disparate impact discrimination involves a practice that has a greater negative effect on members of a particular protected class than those not in the protected class.

Harassment is a form of discrimination and is generally understood as being serious and persistent or pervasive conduct that has the purpose or effect of unreasonably interfering with an individual's ability in the work, learning or other university environment.

## **Enforcement**

It is the policy of Slippery Rock University that discrimination is unacceptable and will not be tolerated. The university will take action to prevent discrimination and harassment, including, if necessary and as appropriate, disciplining any individual whose behavior violates this policy. Discipline may include, but is not limited to, oral or written warning, transfer, suspension, termination and expulsion. Vendors and other visitors to campus are also required to observe this university policy.

## **Non-Reprisal**

No retaliatory action is to be taken against any person seeking advice, filing a complaint or serving as a witness or otherwise cooperating in an investigation of harassment or discrimination. Any person found to have engaged in retaliatory action may be subject to discipline by the university.

## **False Charges**

Accusations of discrimination and harassment are serious matters that can have grave consequences for the accused individual. False accusations are unacceptable and may result in disciplinary action, to the extent permitted by law.

## **Prompt Reporting**

Because it is in the best interest of all concerned to expeditiously deal with allegations of discrimination and harassment, complainants are strongly encouraged to make reports or complaints as soon as possible. To the extent possible, complaint investigations and recommendations of findings will be completed within 180 days of the receipt of the complaint. The university may, however, extend this 180-day period in appropriate circumstances such as the unavailability of witnesses. Both the complainant and the accused will be informed of the outcome upon completion of the process.

## **Complaints Against Students**

Any complaint against a student should be directed to the attention of the office of the vice president for student life and dean of students and will be handled in accordance with the procedures of the student code of conduct. Complaints against all other individuals will be handled in accordance with the procedures stated in this policy.

## **Voluntary Meetings**

During informal or formal complaint process, any face-to-face meeting between the complainant and the accused will be on a voluntary basis only.

## **Confidentiality**

In recognition of the seriousness of the matters under this policy, the investigation and proceedings will be confidential to the extent possible with disclosures limited to those individuals who need to know in order to resolve matters. The complainant and the accused will be encouraged to maintain confidentiality consistent with this provision. In appropriate cases, the university may need to proceed over the objection of the complainant.

## **Informal Complaint Procedure**

Informal procedures involve efforts to mediate a resolution through the agreement of the complainant and respondent. No investigation, formal findings or discipline will result from an informal procedure.

A complainant may elect to initiate the informal procedure at the time of filing either an oral or written complaint with the office of diversity and equal opportunity. After reviewing the complaint, the director of diversity and equal opportunity, or a designee will contact the accused to arrange a meeting to inform him or her of the nature of the alleged behavior that is the subject of the complaint. An appropriate union representative may accompany an accused to the informal complaint discussions. If the accused also agrees to the option of resolution by mediation, the director of diversity and equal opportunity, or a designee, will either facilitate a resolution or appoint a mediator.

Since mediation involves mutual consent, either party has a right to withdraw from the informal process. In addition, if the complainant is not satisfied with the outcome of the mediation, he/she may choose to

file a formal complaint with the university or an external agency. If the director determines that there is a need for a formal investigation, he/she may initiate the formal process.

## **Formal Complaint Procedure**

The following guidelines will apply if the informal complaint procedure is not elected or if the resolution is unsatisfactory.

A complainant initiates the formal complaint procedure by filing a written complaint. The director of diversity and equal opportunity, or a designee, will inform the accused of the allegations and provide the accused with a copy of the written complaint and a copy of the university's discrimination and harassment policy. The accused will also be informed of the right to union representation, if applicable.

The formal complaint process will include an investigation, the scope of which will be determined by the office of diversity and equal opportunity. Investigations will include, but are not limited to, access to records and interviewing the complainant, the accused and others who may have relevant information. The investigation is not intended to interfere with either any rights of an individual under state or federal law, nor rights under the appropriate collective bargaining agreement, if applicable.

The director of diversity and equal opportunity, or appropriate designee, will make a preliminary determination as to whether the complaint, if proven, would constitute a violation of this university policy. If there is insufficient information to warrant a finding of discrimination or harassment, the complainant and the accused will be notified by the office of diversity and equal opportunity that the complaint will be closed. If it appears that there may be a violation of a university policy other than this discrimination and harassment policy, the office of diversity and equal opportunity will refer the matter to the appropriate manager.

If there is sufficient evidence to support a finding that the university policy on discrimination or harassment has more likely than not been violated, the director of diversity and equal opportunity, or appropriate designee, will forward the recommended findings of probable cause to the appropriate vice president and/or president to initiate action under the applicable disciplinary policy. The complainant will receive written notification of the final disposition of the complaint at the conclusion of the disciplinary process.

The complainant may also at any time elect to file a complaint with an external agency responsible for enforcing laws regarding discrimination or harassment. This filing should generally take place within 180 days of the date of the alleged incident or knowledge of the alleged incident.

The following agencies may be contacted:

Pennsylvania Human Relations Commission  
101 South Second Street, Suite 300  
Harrisburg, PA 17105-3145  
(717) 787-4410

Pennsylvania Human Relations Commission  
300 Liberty Ave., State Office Bldg., 11<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 565-5395

U.S. Department of Education, Office for Civil Rights  
400 Maryland Avenue  
Washington, D.C. 20202-5151  
(800) 421-3481

Equal Employment Opportunity Commission  
(if filed jointly with PHRC – 300 days)  
1000 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 644-3444