# Anti-Harassment and Non-Discrimination Policy
## Effective Date: October 1, 2021

## Policy Summary

Central to the mission of Susquehanna University is the establishment and maintenance of an environment in which the dignity and worth of all individuals within the institutional community are respected. Therefore, it is the responsibility of each person on campus to respect the personal dignity of others and to demonstrate a basic spirit that precludes harassment and discrimination. While the university is committed to freedom of thought, discourse, and speech, and the attainment of the highest quality of educational and academic pursuits, the university is compelled to establish this policy on behaviors that would interfere with these freedoms.

## Definitions/Glossary

**1) Protected Characteristics** – Includes race, color, religion, national origin, sex, age, disability status, genetic information, veterans' status, ethnic origin, ancestry, social class, marital and parental status, geography, sexual orientation, gender identity or expression, or any other basis protected by applicable federal, state or local laws.

**2) Discrimination** – Conduct directed at an individual because of their Protected Characteristic(s)and that subjects the individual to different treatment so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the university, or otherwise adversely affects the individual's employment or education.

**3) Harassment** – Verbal or physical conduct that is directed at an individual, and that is sufficiently severe, pervasive, or persistent so as to havethe purpose or effect of creating a hostile work or educational environment.

**4) Harassment Based on Protected Characteristics -** Harassment based on Protected Characteristics is a form of prohibited discrimination. Harassment often takes the form of verbal statements regarding an individual's Protected Characteristics, such as epithets, derogatory comments or slurs, profanity, gestures, innuendo, jokes, or forms of address. Harassment can also take the form of other adverse conduct motivated by a person's Protected Characteristics, such as teasing or tricks, physical abuse or bullying.

**5) Sexual Harassment (when not constituting Title IX Sexual Harassment)** is any unwelcome sexual advances, requests for sexual favors or other verbal orphysical conduct of a sexual nature, including sexual assault and other forms of sexual misconduct, including but not limited to when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational advancement, or evaluation; or
- Submission to or rejection of such conduct is used as the basis for employment or educational advancement, or evaluation; or
- Such conduct has the purpose or effect of unreasonably interfering with anindividual's work performance or educational experience, or creates an intimidating, hostile, or offensive work/educational environment.
- Unwelcome behavior occurs if the individual did not solicit or invite conduct, and particularly if they indicate that they find the conduct undesirable or offensive. Acquiescence or failure to complain does not mean that the conduct is welcome.

Such harassment, and all forms of sexual discrimination, are specifically prohibited not only by this policy, but also by Title IX of the Education Amendments of 1972.

**Intent vs. Impact** - It is the **impact** of the behavior, not the **intent** of the person who exhibited the behavior that determines whether or not sexual harassment has occurred.

6) **Title IX Sexual Harassment** is conduct on the basis of sex that involves an employee of Susquehanna University conditioning the provision of an aid, benefit or service of Susquehanna University on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Susquehanna University's education program or activity, and includes sexual assault, dating and domestic violence, and stalking as defined by Title IX. In order to constitute Title IX Sexual Harassment, the alleged misconduct must have occurred (i) in the United States, and (ii) in Susquehanna University education program or activity, which is defined as locations, events or circumstances over which Susquehanna University exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by the University.

The University's Policy and Procedures for Title IX Sexual Misconduct and Student Community Standards Sexual Misconduct and Gender Based Violence applies to complaints by one employee against another employee related to Title IX Sexual Harassment and to complaints by an employee against a student related to Title IX Sexual Harassment.

7) **Racial Harassment** is any verbal or physical conduct that is directed at an individual because of their race, color, national origin or ethnicity, and that is sufficiently severe or pervasive so as to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or educational opportunities. Such harassment is prohibited.

8) **Gender Identity Harassment** is any verbal or physical conduct that is directed at an individual because of their gender identity, the degree to which a person identifies as male, female, or some combination, and that is sufficiently severe or pervasive so as to have the effect of creating an intimidating, hostile, or offensive work or educational environment which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or educational opportunities. Such harassment is prohibited.

9) **Sexual Orientation Harassment** is any verbal or physical conduct that is directed at an individual because of their sexual orientation, and that is sufficiently severe or pervasive so as to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or educational opportunities. Such harassment is prohibited.

10) **Disability Harassment** is any verbal or physical conduct or a pattern of a lack of reasonable accommodation that is directed at an individual because of their mental or physical impairment, and that is sufficiently severe or pervasive so as to have the effect of creating an intimidating, hostile, or offensive work or educational environment which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or educational opportunities. Such harassment is prohibited.

11) **Religious Harassment** is any verbal or physical conduct that is directed at an individual because of their religion and/or religious beliefs pertaining to religion and that is sufficiently severe or pervasive as

to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or educational opportunities. Such harassment is prohibited.

**This Policy Applies to:**
All full-time, part-time, and temporary employees.

Persons (faculty, staff or students) wishing to bring a charge against a student should contact the Vice President for Student Life & Dean of Students or, in the case of Title IX Sexual Harassment, the Title IX Coordinator. The responding student(s) will be addressed through the student conductsystem via the Code of Student Conduct.

Vice President for Student Life & Dean of Students
514 University Avenue, Selinsgrove, PA 17870
Degenstein Campus Center, Student Life Suite
570-372-4415

Title IX Coordinator
570-372-4321

- ☐ Board
- ☐ Campus Visitors
- X Faculty
- X Independent Contractors
- ☐ Other _____
- X Staff
- ☐ Students
- X Vendors

**Reason(s) for the Policy**
To encourage the reporting of complaints concerning harassment or discrimination and to facilitate satisfactory resolution of the complaint.

**Policy**
Harassment or discrimination in any context is reprehensible, but is of particular concern to an academic community in which students, faculty and staff must rely on bonds of intellectual trust and dependence. Therefore, harassment and discrimination will not be tolerated. Specifically, the university expressly prohibits any form of harassment or discrimination against its employees in categories protected by law, including harassment or discrimination based on: race, color, religion, national origin, sex, age, disability status, genetic information or veterans' status. In addition, the university also prohibits any form of harassment of or discrimination against its employees based on ethnic origin, ancestry, social class, marital and parental status, geography, sexual orientation, gender identity or expression, or any other basis protected by applicable federal, state or local laws (collectively, "Protected Characteristics"). Any individual engaging in such discrimination or harassment will be subject to the full range of institutional disciplinary actions, up to and including termination from the university, and may also face civil and/or criminal legal liability.

## Links With Other Policies

Title IX Policy https://mysu.susqu.edu/HRPR/Pages/default.aspx

## Exclusions and Special Situations

This policy does not apply to incidents of Title IX Sexual Harassment in which the respondent is a student. Where alleged misconduct involves an employee-respondent, such alleged misconduct may implicate both Title IX Sexual Harassment and Sexual Harassment under Anti-Harassment and Non-Discrimination Policy, the University will first follow the procedures for responding to allegations of Title IX Sexual Harassment and then implement the Anti-Harassment and Non-Discrimination Policy as necessary to determine whether the alleged misconduct violated the Anti-Harassment and Non-Discrimination Policy . The decision-maker under this policy may consider any investigative or hearing materials developed through the Title IX procedure.

## Policy Contact(s)

Responsible Office: Office of Human Resources
Policy Author: Jennifer Bucher, Vice President for Human Resources
Email: bucherjennifer@susqu.edu
Phone: 570-372-4157

## Policy History

Original Policy: 4/23/2010
Revised: 4/23/2010, 1/16/2013, 9/1/2013, 12/16/2015, 1/1/2016
Most Recent Revision Posted: 10/1/2021

## Appendix

Harassment/Discrimination Grievance Procedures Description of Process:

Employees wishing to make a complaint should contact, verbally or in writing, the Vice President for Human Resources, who will explain the process and answer any questions.

**Jennifer Bucher**
Vice President for Human Resources
First Floor, Selinsgrove Hall
514 University Avenue
Selinsgrove, PA 17870
570-372-4157
bucherjennifer@susqu.edu

**Informal Complaint Resolution:**

The purpose of the informal complaint resolution is to encourage the reporting of complaints concerning harassment or discrimination and to facilitate satisfactory resolution of the complaint without undue anxiety and provocation for the parties involved. An employee making a harassment or discrimination complaint ***does not*** have to speak first with their supervisor or the person against whom the allegation has been made. However, they are encouraged to do so with the assistance of their peer supporter (who may be a university employee) in the presence of the Vice President for Human Resources.

If a complainant desires, when filing a complaint they may be accompanied by another university employee who may advise and assist the complainant throughout the resolution process. The peer supporter must be an individual from within the university community and can include, but is not limited to, a faculty or staff member, or a Human Resources representative.

The complainant (and the peer supporter) will discuss the complaint with the person against whom the allegation has been made in the presence of the Vice President for Human Resources in order to reach resolution of the complaint. (In the event that the person against whom the allegation has been made should be from the Vice President for Human Resources, the complainant will discuss the complaint in the presence of the Executive Vice President or the Provost). Although encouraged, there is no obligation on the part of the complainant or the person against whom the allegation has been made to participate in the informal resolution process. If the complaint cannot be resolved informally, or step one is bypassed, the complainant may file a formal complaint. Additionally, informalresolution will not be used in cases alleging any form of sexual assault or other sexual violence.

If a complainant so desires, they may waive the informal resolution process and proceed directly to a formal investigation. The Office of Human Resources is designated as the office of referral for information and advice, unless the complaint is against a member of that office. In that case, the complainant should contact the Executive Vice President or the Provost.

Personal legal counsel for either party may not be present during either informal or formal complaint resolution.

**Formal Complaint Resolution:**

If the complaint cannot be resolved informally, or the informal process is bypassed, the complainant may file a formal written complaint. Formal complaints will be investigated and resolved in accordance with the procedures outlined below.

**Complaints against a university employee** - Complaints against a university employee (other than those related to Title IX Sexual Harassment) are filed withthe Vice President for Human Resources, which is responsible for initiating the formal resolution process. TheVice President for Human Resources or designee will conduct an investigation meeting or meetings.

Individual investigation meetings will be conducted by the Vice President for Human Resources with both the complainant, the person against whom the allegation has been made, (with their respective peer supporter if they so desire), and any witnesses who could corroborate or clarify the facts in question.

Investigation meeting(s) will commence within ten working days of receipt of written complaint.

The Vice President for Human Resources will then forward their report to the supervising vice-president of the person against whom the allegation has been made, or in the case of faculty, to the provost for review and resolution along with the evidence gathered during the investigation meeting(s). In the event that the person against whom the allegation has been made is a Vice-President, the Officeof the President will make a final determination. Should the person against whom the allegation has been made be from the Human Resources Office, the Executive Vice President will investigate and make a final determination. Any formal action to be taken against a party as a result of the factual findings in the submitted report will be takenin accordance with the applicable policy.

**Protection of Both Parties:**

**Notice**. When the formal investigation process has begun with the filing of a written complaint, copies of the complaint will be forwarded to the person against whom the allegation has been made. If the allegations are not substantiated, the person against whom the allegation has been made will be notified.

**Abuse of Reporting**. False and malicious accusations of harassment or discrimination will not be tolerated and those individuals making them will be subject to university sanctions.

**Retaliatory Actions**. Retaliation by the person against whom the allegation has been made or any other individual against the complainant as a result of filing a harassment or discrimination complaint, or against any individual participating in the investigation of such a complaint, will not be tolerated and the individual will also be subject to university sanctions. Reasonable action will be taken to assure the complainant and those involved with an investigation on their behalf will suffer no retaliation fromthe person against whom the allegation has been made or others within the university.

**Suspension from Employment.** In certain circumstances to protect the complainant or to prevent harm to others, the vice-president, or in a case involving a faculty member, the provost may at any time during the complaint process suspend the person against whom the allegation has been made from their primary duties and responsibilities until the matter is resolved.

**Failure to cooperate with investigation**. If the person against whom the allegation has been made elects not to cooperate with the investigation, the Vice President of Human Resources will complete the report based on the information in their possession.

**Confidentiality and Completed Report**. During the complaint process, the university will make every effort to ensure confidentiality. Please note that confidentiality cannot be guaranteed. Both individuals will be fully informed of the steps taken during the course of the complaint procedures by the administrator who conducts the investigation. In addition, both parties will be informed within ten working days of the completed report, whether the report has been forwarded to the appropriate vice president and the president. A record of the complaint will be located in a file separate from the general personnel file of the complainant and the accused.

**Not Substantiated Report.** If the matter is determined as not substantiated after the conclusion of an investigationby the Vice President for Human Resources, then the Office of the President or the individual's supervising vice-president will communicate findings to the complainant and the matter will be deemed closed.

**Notification to Complainant and Respondent.** Within ten (10) working days of the conclusion of the investigatory process and a decision by the president or appropriate vice president, the complainant and respondent will be notified whether the respondent was found responsible or not responsible for violating the policy. . Specific disciplinary actions will not be discussed to maintain confidentiality.

**Sanctions:**

In all instances, the president or supervising vice president retains the sole power and discretion to take formal disciplinary action against an employee. Individuals who are found to have violated this policy will be subject to disciplinary actions as set forth by Board of Trustees Policy, University Policy or Faculty Handbook. Such action could include, but is not limited to, an informal oral reprimand, a written reprimand or other disciplinary action up to and including termination of employment.

**Right of Appeal by Employees:**

A three-member President's Appeal Board will be appointed as needed by the Office of the President. The appeal board will be comprised of a faculty member, an administrator and an hourly staff member. The complainant and the person against whom the allegation has been made will be entitled to one written appeal of any decision rendered. Appeals must be based only on new evidence (not available during the investigation) or procedural error that affected the outcome of the resolution of the complaint. In preparation of the appeal, both the accused and the complainant will have normal access to their file. Such appeal will be heard by the President's Appeal Board, which will forward its recommendation to the president. Appeals will be filed no later than tendays after the receipt of a report. All faculty appeals will be done in accordance with the Faculty Handbook.

In addition to these complaint procedures, individuals may pursue other civil and legal options such as the Pennsylvania Human Relations Commission, Equal Employment Opportunity Commission or the Office of Civil Rights.

These Susquehanna University harassment/discrimination procedures set forth are not intended to interfere with any legal rights under the statutes of the Commonwealth of Pennsylvania or the United States of America.

**Time Frame:**
In order to give the complainant time to finish a particular job assignment, an evaluation period or any other similar reason, the complainant may file a formal complaint of harassment or discrimination up to one hundred and eighty days following the alleged incident of harassment or discrimination. The university encourages timely filing of complaints and delayed filing may impact the university's ability to fully investigate the complaint. The university retains the right to investigate complaints after the 180-day period.

Formal complaints filed within this period will be investigated even though the complainant has terminated their association with the university.