

Pennsylvania College of Technology

Policy Statement

Title: Harassment and/or Discrimination **Number:** P 7.31
Based on Protected Class

Approved by:
 Presidential Action

Approved Date: 05/2019
Last Review Date: 05/2019
Last Revision Date: 05/2019

Persons/Departments Affected:
 All Penn College Students and Employees

Responsible Department:
 Student Affairs & Human Resources

Definitions:

Employees – All currently employed faculty and staff including full-and part-time, as well as applicants for employment, as applicable.

Students – All currently enrolled students including full- and part-time, degree- and non-degree, as well as applicants for admission, as applicable.

Reporting Party – The person impacted by alleged harassment and/or discrimination.

Responding Party – The person who has allegedly engaged in harassment and/or discrimination.

Harassment – Unwelcome, verbal or physical conduct (which is based on a protected classification) that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational program and/or activities or the College's terms, conditions, and opportunities of employment, and may be based on power differentials (including but not limited to, quid pro quo), the creation of a hostile environment, and/or retaliation.

Quid Pro Quo – Harassment or discrimination by a person having power or authority over another when submission to such conduct is made either explicitly or implicitly a term or condition of rating, evaluating or providing a benefit to an individual's educational or employment development or performance.

Hostile Environment – Created when harassment or discrimination is severe, or persistent, or pervasive, and objectively offensive, such that it

unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's education or employment programs.

Retaliation – Any adverse educational, personal, or employment action taken against a person because of the person's participation in a complaint or investigation of harassment and/or discrimination.

Discrimination – Actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of their protected classification. Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's protected classification that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the College's educational program or activities or an employee or applicant's ability to participate in or benefit from the College's terms, conditions, and opportunities of employment.

Remedy – Any action taken by the College, usually prior to the conclusion of an investigation, which attempts to temporarily or permanently solve any potential or existing issues related to the claim of harassment and/or discrimination.

Sanction – Any action taken by the College, usually in a disciplinary process after the conclusion of an investigation and typically punitive or educational in nature, which attempts to permanently solve any potential or existing issues related to the claim of harassment and/or discrimination.

Policy:

I. Introduction

The Pennsylvania College of Technology is committed to providing an educational and work environment free of unlawful harassment and/or discrimination. Harassment and/or discrimination on the basis of a person's race, color, religion, national origin, handicap, age, sexual orientation, political affiliation, status as a protected veteran, genetic information, or any characteristic against which discrimination is prohibited by applicable law is a form of discrimination prohibited by this policy.

Please note that information on sexual harassment and/or discrimination can be found at Policy (P 7.30) and Procedure (PR 7.30): Sexual Misconduct including Sexual Harassment.

Harassment and/or discrimination is strictly prohibited by the College and will not be tolerated. The College considers harassment and/or discrimination a serious offense. Students or employees who engage in harassment and/or discrimination

will be subject to appropriate disciplinary action, up to and including suspension/expulsion and termination of employment.

This policy applies to and prohibits harassment and/or discrimination by students and employees. This policy extends to all activities on College property (e.g., educational, social, residential, or cultural), College-sanctioned activities at other locations (e.g., clinical sites), and College-related trips, meetings and social functions off campus.

Please Note: Actions and behaviors need not meet the legal definition of harassment and/or discrimination to be deemed inappropriate by the College and subject to discipline.

Harassment and/or discrimination against Penn College students and employees in other environments or settings associated with College-sanctioned activities is also a violation of this policy. However, the College's ability to remedy cases of harassment and/or discrimination by persons who are not students or employees of the College may be more limited.

II. Behaviors That Can Constitute Harassment or Discrimination based on Protected Class

Behaviors that can constitute harassment or discrimination based on protected class may include, but are not limited to:

Harassment

- explicit or offensive jokes and innuendo related to a protected class*
- verbal abuse related to a protected class
- inappropriate use of offensive language in discussions with or to describe an individual of a protected class*
- workplace display of offensive objects or pictures related to a protected class*
- stalking, bullying and/or hazing based on a protected class
- favored treatment (or offers of such) to any student or employee based on their protected class
- seeking in any way to make the performance of a student's educational experience or an employee's work experience more difficult because of that their protected class

***that is not speech or conduct otherwise protected by the 1st Amendment**

Discrimination

- refusing to hire or promote an individual based on their protected class
- limiting access to educational or employment programs or activities based on their protected class

III. Reporting an Incident of Sexual Misconduct

Students

A student who believes he or she has been the victim of any form of harassment and/or discrimination should immediately report the matter to the Director of Counseling (Deputy Coordinator & Lead Investigator of Title VI, IX and Section 504 – Student Issues) or to the Vice President for Student Affairs (Coordinator of Title VI, VII, IX and Section 504) as specified in [PR7.31 – Harassment and/or Discrimination Based on Protected Class](#).

Employees

An employee who believes that he or she has been the victim of any form of harassment and/or discrimination should immediately report the matter to his or her immediate supervisor, or an administrator in his or her operational unit, or the Manager of Employment/Deputy Coordinator & Lead Investigator of Title VII, Title IX and Section 504/ADA – Employee Issues (hereafter referred to as Deputy Coordinator-Employment) or to the Vice President for Student Affairs (Coordinator of Title VI, VII, IX and Section 504) as specified in [PR 7.31 - Harassment and/or Discrimination Based on Protected Class](#).

In addition, depending upon the circumstances, the College encourages students and employees, who believe they are being subjected to any form of harassment and/or discrimination, to promptly advise the alleged offender that his or her behavior is unwelcome and to request that it cease. However, the College recognizes that students and employees may not be comfortable doing this, and they are never required to do so.

Please note that the College does not tolerate intentional false reporting of harassment and/or discrimination incidents. It is a violation of [PR7.31 – Harassment and/or Discrimination Based on Protected Class](#) to make an intentionally false report.

IV. Interim Protective Measures

In some situations, the College may take remedial action prior to the conclusion of an investigation. These actions can be taken immediately in order to promptly and effectively remedy any potential or existing issues related to the claim of harassment and/or discrimination.

Examples of remedies include, but are not limited to:

- Providing an escort to ensure that the reporting party can move safely between classes, work, and/or activities;
- Ensuring that the reporting party and responding party do not attend the same classes or meetings; and/or
- Moving the reporting party or responding party to a different residence

hall, office, etc.

V. Resolution of Harassment and/or Discrimination Allegations

The College will investigate all allegations of harassment/discrimination in a prompt, thorough, and impartial manner and will take appropriate corrective action when warranted.

Determination of harassment and/or discrimination will be made based on the preponderance of evidence standard (more likely than not).

The College will interview the reporting party, the responding party, and any witnesses during the investigation.

A summary report will be prepared with a finding of whether the College's Harassment and/or Discrimination Policy was violated.

The parties involved in the allegation of harassment and/or discrimination will be notified of the investigation's determination.

Both parties may appeal the investigation's determination within 7 business of the determination. Both parties will be notified of the appeal outcome within 7 business days.

VI. Sanctions

Based on the outcome of the harassment and/or discrimination investigation, the incident may be referred on for disciplinary action.

If the responding party is a student, disciplinary action is set forth in the [Procedure 4.43](#) – Student Code of Conduct.

If the responding party is an employee, disciplinary action is set forth under College [Policy](#) and [Procedure](#) 3.04.01 – Disciplinary Action or under the [Faculty Agreement](#).

The reporting party will be notified of any sanctions or disciplinary action imposed on a student who has engaged in harassment and/or discrimination. In instances when a College employee has violated this policy, the reporting party is not normally informed of what disciplinary action has been taken, however, the reporting party would be informed when corrective action has been taken to correct the violations.

Students or employees who file an allegation under this Policy retain their right to file complaints or charges of harassment and/or discrimination with appropriate federal and/or state agencies or to bring a private action against the accused.

However, many federal and state procedural regulations require that complaints be filed within an established number of days of the alleged violation; filing an allegation with the College does not postpone any deadlines for filing complaints with outside agencies or courts.

VII. Retaliation

Retaliation in any form against an individual for reporting harassment and/or discrimination or exercising his/her right to make an allegation under this Policy or for participating in an investigation of a report of harassment and/or discrimination is a serious violation of this policy and, like the harassment and/or discrimination itself, will be subject to disciplinary action, up to and including expulsion from the College. Acts of retaliation should be reported immediately in accordance with this Policy and will be promptly investigated and addressed.

VIII. Conclusion

The College strives to provide a community in which students and employees can learn, work, and interact in an environment free from all forms of harassment and/or discrimination. All forms of harassment and/or discrimination are demeaning to all persons involved, and it subverts the mission of the College. It is unacceptable conduct and will not be tolerated.

The College will make every reasonable effort to ensure that all students and employees are familiar with this policy and aware that allegations will be investigated and resolved appropriately. Efforts to educate students and employees will include, but not be limited to, notification of the existence of this policy during the orientation process, periodic distribution of this policy, and training programs that educate students and employees on the topic of harassment and/or discrimination.

Revision History:

Date: 05/2019 New unified Policy and Procedure that brings together P & PR 3.02.24 (Harassment and/or Discrimination Based on Protected Class-Employment) and P & PR 4.53 (Student Harassment and/or Discrimination Based on Protected Class).

Cross References:

Student Code of Conduct Procedure, [PR 4.43](#)

Disciplinary Action Policy, [P 3.04.01](#)

Disciplinary Action Procedure, [PR 3.04.01](#)

Harassment and/or Discrimination Based on Protected Class Procedure, [PR7.31](#)