

# Pennsylvania College of Technology

## Procedure Statement

**Title:** Harassment and/or Discrimination    **Number:** PR 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.

**Procedure:**

**I. Reporting Process**

a. Who To Report To

i. 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, IX and Section 504).

ii. Employees

An employee who believes that he or she has been the victim 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) or to the Vice President for Student Affairs (Coordinator of Title VI, IX and Section 504).

b. How to Report

- i. If, after reporting the incident, the student or employee wishes to proceed with a formal complaint, they should do so through the Deputy Coordinator.
- ii. If, after reporting the incident, the student or employee does not wish to proceed with a formal complaint, the Deputy Coordinator may still conduct an informal investigation into the allegation of harassment and/or discrimination. However, it should be noted that if the reporting party does not wish to submit a formal complaint, the ability to investigate and respond to the incident may be limited.
- iii. Often, the incident will be referred to the Deputy Coordinator through a 3<sup>rd</sup> party (dean, faculty member, residence life staff, friend, supervisor, co-worker, etc.). In these circumstances, the Deputy Coordinator will attempt to reach out to the reporting party.
  1. If the Deputy Coordinator is unable to make contact or if, after making contact, the reporting party does not wish to proceed with a formal complaint, the Deputy Coordinator may still conduct an informal investigation into the allegation of harassment and/or discrimination. However, it should be noted that in these situations, the ability to investigate and respond to the incident may be limited.

## II. Interim Protective Measures

If necessary, the Deputy Coordinator may recommend, and the Coordinator will impose, any needed actions to promptly and effectively remedy any potential or existing issues related to the claim of harassment and/or discrimination.

## III. Investigation

- a. The Coordinator will determine if the allegation of harassment and/or discrimination warrants an investigation or if the situation can be directly referred to the Student Code of Conduct or through the appropriate personnel policies.
- b. The Deputy Coordinator(s) will investigate and attempt to resolve the complaints promptly and fairly, with due regard to the interests of both the reporting party and the responding party. Every reasonable effort will be made to conduct all proceedings in the most confidential manner possible.
- c. All investigations will be conducted with due regard to the interests of both the reporting party and the responding party, to include notice of the allegation to the responding party and an opportunity to respond to the allegation.
- d. Each party is allowed to have an advisor of their choice present with them for all meetings and proceedings during the investigation. Witnesses cannot also serve as advisors. Advisors are not permitted to be actively involved in meetings or proceedings including, but not limited to, speaking on behalf of

the advisee, making presentations, addressing campus officials, questioning witnesses, etc. They may only confer with their advisee quietly or in writing as long as they do not disrupt the process.

#### **IV. Determination & Notification**

- a. Determinations of harassment and/or discrimination will be made based on the preponderance of the evidence standard (more likely than not).
- b. The reporting party and the responding party will be informed simultaneously in writing of the investigation outcome and option to request reconsideration.

#### **V. Reconsideration**

- a. The reporting party or the responding party can request a reconsideration of the findings if dissatisfied with the determination of the Deputy Coordinator(s).
- b. The request for reconsideration shall be made within 7 business days of the receipt of the written determination and shall be submitted to the Coordinator in writing.
- c. The Coordinator will make a final determination and inform the parties in writing within 7 business days of the receipt of the request for reconsideration.
  - i. In extenuating circumstances, the Coordinator has the right to extend this deadline and will so notify the parties.
- d. This level of review will be considered as a final level of internal appeal.

#### **VI. Sanctions**

- a. If the complaint of harassment and/or discrimination is made against a student, the College will investigate and may take appropriate disciplinary action through the Student Code of Conduct. Students who violate this policy will be subject to appropriate disciplinary action, up to and including expulsion from the College.
- b. If the complaint of harassment and/or discrimination is made against an employee, the College will investigate and may take appropriate disciplinary action through the College's personnel policies.
- c. If the complaint of harassment/discrimination is made against a student who is also a part-time employee, the individual will be subject to disciplinary actions in accordance with all applicable policies.
- d. In the case of harassment and/or discrimination by persons other than students or College employees, on College property or in off-campus educational settings, the College will take those steps within its power to investigate and eliminate the problem.

#### **VII. External Complaints**

- a. The Deputy Coordinator will inform the reporting party of the right to file complaints or charges with the appropriate state or federal agency.

**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 Policy, [P 7.31](#)