

# Sexual Harassment Policy and Procedures

Clarion University of Pennsylvania



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Presidential Commission on Sexual Harassment**

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# **Sexual Harassment Policy and Procedures**

## **I. Policy**

It is the policy of Clarion University of Pennsylvania that harassment of students and employees based on sex is unacceptable and will not be tolerated. Clarion University is committed to insuring that the learning environment for its students and the working environment for its employees are free of unlawful discrimination of any kind. The university affirms its commitment to human rights and dignity. Sexual harassment violates basic human rights as well as state and federal laws, and is inconsistent with the principles and goals of an academic community.

Clarion University of Pennsylvania will make every effort to protect students, staff, and faculty from sexual harassment. Retaliatory actions taken against persons filing sexual harassment complaints will not be tolerated. The university also recognizes that accusations of sexual harassment are grievous and have serious consequences. Therefore, the university will make every effort to protect students, staff, and faculty from false accusations.

Any employee or student of the university found to be in violation of this policy will be subject to appropriate disciplinary action that may include termination or expulsion.

Clarion University, through the Office of Social Equity and the Presidential Commission on Sexual Harassment will ensure that this policy receives wide dissemination so that students, parents, faculty, administration and staff are aware of the policy and its provisions.

## **II. Definition of Sexual Harassment**

In accordance with the Equal Employment Opportunity Commission (EEOC) Guidelines of 1980, Section 703 of Title VII of the Civil Rights Act of 1964, as amended, the pertinent case laws of Title IX of the Education Amendments of 1972, and Section 5(a) of the Pennsylvania Human Relations Act, Clarion University defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature will constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success; or

- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals; or
- (3) Such conduct is sufficiently pervasive or severe to have the effect of interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.

Sexual Harassment occurs in a variety of situations which share a common element (see Examples of Conduct that could constitute Sexual Harassment at: <http://www.clarion.edu/165047/>).

Clarion University is committed to the principles of free expression and academic freedom. As such, "sexual harassment," as defined in this policy, is neither legally protected expression nor the proper exercise of academic freedom.

Discussion of ideas or theories that some employees or students may find offensive is not necessarily sexual harassment. Examples of sexual harassment include: conduct of a sexual nature that is sufficiently severe or pervasive to have the effect of harassing or stigmatizing others on the basis of their sex or sexual orientation. This may include the use of sexually explicit pictures, objects, or materials in classroom or work areas that have no legitimate or instructional purposes; unwelcomed letters, e-mail or phone calls of a sexual nature; sexual graffiti or visuals; unwelcomed touching, pinching, or patting; repeatedly asking for a date after the person has expressed disinterest; and pressure for sexual favors. Extreme forms of sexual harassment include sexual assault or rape, which are considered criminal offenses.

### **III. Related Unprofessional Conduct**

The University's mission and core values are predicated on professionalism in interpersonal relationships. Since professional relationships are instrumental to the mission and core values of the university, it is essential to establish a standard of expected conduct in these relationships. Personal relationships should be avoided when they call into question professional integrity or interfere with an individual's work experience. A university employee with professional responsibility or supervision of another who has real or potential power and authority over that individual in a variety of roles including, but not limited to, supervisor, mentor/advisor, professor, thesis/evaluation committee members, etc., shall not abuse that power. Absent contradictory evidence, an amorous or sexual relationship between individuals where one possesses or appears to possess authority or power over another is presumed to be exploitative and shall constitute

unprofessional conduct. The consensual nature of such a relationship does not necessarily constitute a defense to a charge of sexual harassment or related unprofessional conduct especially when the indirect result of the relationship creates a hostile workplace environment.

Therefore, any employee in a supervisory role who enters into a sexual relationship with another employee enters into that relationship with risk. These persons will be subject to scrutiny if a complaint of sexual harassment is leveled against the “supervisory person” by the “subordinate person” or if a third party brings a complaint<sup>1</sup>.

## **IV. Procedures**

The procedures described below are applicable to any student, employee, or applicant for education programs or employment who believes that he/she has been the victim of sexual harassment, except in the cases noted in section A.2 listed below, concerns about sexual harassment should be brought to the Office of Social Equity directly. Individuals may bring their concerns about sexual harassment to a faculty member or advisor, a public safety officer, a residence hall assistant or director, a member of the university administration or any member of the President’s Commission on Sexual Harassment for the purpose of obtaining information and/or moral support. Such individuals must then report the concerns to the Office of Social Equity and encourage the complainant to go to the Office of Social Equity to discuss the matter further. All supervisors are obligated to report any known allegations of sexual harassment to the Office of Social Equity.

- Complainant: the individual who is making allegations that sexual harassment has occurred.
- Respondent: the individual against whom the allegations of sexual harassment have been made.
- Sexual Harassment complaints should be reported promptly to the Office of Social Equity. They may be reported by anyone who becomes aware that sexual harassment may have occurred.
- Resolution of the complaint shall be sought as quickly as possible while maintaining standards of fairness.
- These procedures are not intended to replace other university procedures available under established laws or collective bargaining contracts and, where permissible, a complainant may choose either this procedure or any other applicable procedure. (See Appendix B.)
- The Office of Social Equity has the responsibility for investigating sexual harassment complaints filed and will attempt to conduct the investigation within 30-60 calendar days from receipt of the complaint.

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<sup>1</sup> Adapted from the Office of the Chancellor: Social Equity Policies and Procedures.

- The Office of Social Equity will notify employees and students respondent of sexual harassment generally within a twenty (20) day period, subject to exceptions that are provided to protect the complainant
- Investigative information may be retained for up to three years in the Office of Social Equity as part of a data file on sexual harassment at the university.

## **A. Reporting Complaints of Sexual Harassment**

1. All complaints of sexual harassment (with the exception of complaints made against the hearing office (Office of Social Equity and/or the President of the university) shall be filed with the Assistant to the President for Social Equity (207 Carrier Hall, 814-393-2109).
2. All complaints of sexual harassment made against the Assistant to the President for Social Equity and/or the President shall be filed with the Office of the Chancellor, PA State System of Higher Education (PASSHE) Dixon Center, Harrisburg, PA 17110, 717-720-4000.

## **B. Informal Review**

1. The complainant reports the complaint to the Office of Social Equity. After an initial interview, the social equity officer may suggest that the complainant take individual action to resolve the problem through verbal or written communication with the person whose actions the complainant found offensive.
2. If that approach does not resolve the matter, or if the complainant does not want to interact directly with the respondent, the social equity officer will attempt to act as mediator in an effort to achieve an informal resolution to the problem. The respondent will be informed of the concerns or complaint as presented by the complainant and will be afforded an opportunity to respond. Said response may be a written or oral presentation of factual data.
3. During all informal attempts to resolve a problem, every effort shall be made to: notify the respondent of the nature of the complaint (which is generally within a twenty (20) day period); (2) identify or defer the identification of the complainant, as appropriate; and (3) maintain confidentiality of the investigative process.

4. The respondent will be afforded an opportunity to respond to the complaint. Said response may be a written or oral presentation of factual data.
5. The complainant or the respondent party may be accompanied by any person of their choosing from within the university community during the informal process or meetings for the purpose of consultation. If either party is covered under a collective bargaining agreement with the university, the social equity officer will inform that party of his/her right to union representation.

### **C. Formal Review**

1. All formal complaints are based on specific charges heard at the informal level. If the concerns raised cannot be resolved through informal discussions, or if the conduct reported is so egregious that the complainant wishes to proceed directly to formal procedures, the complainant should consult with the social equity officer and then file a formal written complaint.
2. If the social equity officer believes that the complaint has merit (that it warrants an investigation) the social equity officer will notify the respondent that a complaint has been filed and will send a copy of the formal, written complaint to the respondent. This notification will generally take place within a twenty (20) day period.
3. If either party is covered under a collective bargaining agreement with the university, the social equity officer will inform that party of his/her right to union representation.
4. The respondent will be afforded an opportunity to respond to the charges as specified in the Formal complaint and to prepare a response to these charges, including written and oral presentations of factual data. The complainant and respondent may be accompanied by any person of their choosing from within the university community during the investigation and resolution of the case for the purposes of consultation.
5. All formal, written complaints will be given a specific, full, impartial, and expeditious investigation by the Office of Social Equity. During such investigations, while every effort will be made to protect the privacy rights of all parties, confidentiality cannot be guaranteed.

6. The social equity officer has the responsibility for investigating complaints filed. When feasible, the investigation will be completed within thirty to sixty (30-60) days from receipt of the written complaint. As part of the investigative process, the social equity officer will gather evidence on the alleged sexual harassment complaint. This evidence may take the form of written or oral presentation of factual data or the collection of said data.
7. The complainant and respondent will have access to the results of the investigation at the conclusion of the investigation.

#### **D. Sanctions and Remedies**

1. If the investigation of a reported occurrence of sexual harassment reveals that the complaint is without merit, both parties will be so informed. If, however, the social equity officer finds that it is more probable than not that there has been a violation of the university's Sexual Harassment Policy, the officer will report these findings to the president or to the vice president for student affairs (in student related cases) as appropriate. Disciplinary proceedings, if and when initiated, against staff or faculty will be in accordance with the appropriate procedures and collective bargaining agreement. Disciplinary proceedings, if and when initiated, against a student will be in accordance with the appropriate procedures outlined in the *Student Rights, Regulations, and Procedures Handbook*.
2. Possible sanctions include, but are not limited to: a verbal warning, a written warning, a formal reprimand, reassignment of responsibilities, suspension, expulsion from the university, or termination of employment. The complainant and the respondent will be informed of the specific action taken. The overall remedy desired in valid sexual harassment cases is the removal of the cause of the complaint. The university will earnestly attempt to do whatever is necessary to achieve this end in seeking remedies as dictated by the specific case.
3. If the complainant is not satisfied with the results of the process, he/she may seek administrative remedies as noted in paragraph #4 below.
4. The complainant generally has 180 calendar days from the actual date of which the incident occurred to file a formal complaint with the Pennsylvania Human Relations Commission and 300 calendar days to cross-file with another federal agency such as the United States Equal Opportunity Commission, or the United States Department of Education, Office of Civil Rights.

5. In the event it is shown that a complaint has been filed maliciously or without a legitimate basis, appropriate sanctions will be imposed on the complainant.

## **E. Prohibition of Retaliation**

Neither the complainant nor other individuals (e.g. witnesses) shall be subjected to discharge, suspension, discipline, harassment, or any form of retaliation for having participated in or having helped others use this complaint process. Any individual who is found to have retaliated against any person involved in the complaint process is subject to discipline, up to and including termination or expulsion.

## **F. Counseling**

Counseling is made available to any student or employee who believes that he/she has been subjected to any form of harassment. Counseling services may be obtained through the university's Counseling Center for students and, for employees, the State Employees Assistance Program (SEAP). SEAP may be contacted through the Office of Human Resources.

## **G. Sexual Harassment Prevention Training**

The university will provide training on sexual harassment prevention on an annual basis. All faculty and staff are required to participate in this training within 60 days of commencing employment and at least every year thereafter. The university will provide training to all new students, orientation leaders, and residence hall assistants.

## **H. Revisions**

In order to be responsive to changes in state system policies and case law, this policy may be revised periodically. Written copies of this policy are available at the Office of Social Equity, 207 Carrier Hall, or on the Clarion University website at [www.clarion.edu/433](http://www.clarion.edu/433)

# APPENDIX A

**Pennsylvania Human Relations Act of 1955**, as amended, prohibits discrimination based on sex, race, color, religion, and national origin in the Commonwealth of Pennsylvania.

**The Equal Pay Act of 1963**, an amendment to the Fair Labor Standards Act, prohibits pay discrimination based on sex on jobs that are substantially equal.

**Title VII of the Civil Rights Act of 1964**, prohibits discrimination based on sex, as well as on race, color, religion and national origin, in hiring or firing; wages; fringe benefits; referring, assigning, or promoting; extending or assigning use of facilities; training, retraining, or apprenticeships; or any other terms, conditions, or privileges or employment.

**Title IX of the 1972 Education Amendments** states no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

**The Women's Education Equality Act of 1974** authorizes activities at all levels of education to overcome sex-stereotyping and achieve equality for women.

**The Job Training Partnership Act of 1982**, PS 97300, permanently authorizes job training programs for economically disadvantaged individuals and others who face serious barriers to employment. JTPA replaces Comprehensive Education and Training Act. Programs and activities funded or otherwise financially assisted in whole or in part under this act are considered to be programs and activities receiving federal financial assistance and thus subject to prohibitions against discrimination based on sex under Title IX of the Education Amendments of 1972.

**The Executive Order 11246**, as amended by Executive Order 11375, requires federal contracts to include language by which contractors pledge not to discriminate against any employee or applicant for employment because of sex, race, color, religion, or national origin. Large contractors must further pledge to take affirmative action to ensure nondiscriminatory treatment.

**The Vocational Education Act**, as amended, requires the provision of activities to eliminate sex bias, stereotyping, and discrimination in federally funded vocational education programs and requires each state to employ a full-time sex equality coordinator to ensure the elimination of bias and occupational segregation in those programs.

**Article 43: - Collective Bargaining Agreement** negotiated between the State System of Higher Education and APSCUF, delineates the provisions regarding the investigation of complaints against faculty members.

# APPENDIX B

## Offices and Agencies Providing Assistance

- Clarion University Office of Social Equity . . . . . 814-393-2109  
207 Carrier Hall
- Clarion University Counseling Services Department . . . . . 814-393-2255  
148 Egbert Hall
- Clarion University Office of Director of Student Affairs . . . . . 814-676-6591  
114 Rhoades, Venango Administration, Venango Campus . . . Ext. 1270
- Clarion University Counseling Services Department . . . . . 814-676-6591  
234 Montgomery Hall, Venango Campus . . . . . Ext. 1281
- PASSAGES. . . . . 800-793-3620 or 814-226-7273  
105 S. 5th Avenue  
Clarion, PA 16214
- PASSAGES. . . . . 814-849-5303  
18 Western Avenue  
Brookville, PA 15825
- Domestic Violence Rape Crisis Center. . . . . 1-800-243-4944 or 814-676-5476  
716 E. Second Street  
Oil City, PA 16301
- Stop Abuse For Everyone (SAFE) . . . . . 800-992-3039 or 814-226-8481  
8 Grant Street . . . . . or Dial 911 and ask for SAFE  
Clarion, PA 16214
- Clarion County Counseling Center. . . . . 814-226-6252  
214 South 7th Avenue  
Clarion, PA 16214
- Clarion County District Attorney's Office . . . . . 814-226-7611  
421 Main Street  
Clarion, PA 16214
- Pennsylvania State Police . . . . . 814-226-1710  
209 Commerce Road  
Clarion, PA 16214

- Laurel Legal Services . . . . . 814-226-4340  
 231 W. Main Street  
 Clarion, PA 16214
  
- Equal Employment Opportunity Commission . . . . . 800-669-4000  
 1000 Liberty Avenue, Suite 1112  
 Pittsburgh, PA 15222
  
- Commonwealth Information Center . . . . . 717-787-2121  
 Strawberry Sq,  
 Harrisburg, PA 17101
  
- Pennsylvania Human Relations Commission . . . . . 412-565-5395  
 300 Liberty Street  
 Pittsburgh, PA 15222

Clarion University of Pennsylvania is committed to equal employment and equal educational opportunities for all qualified individuals regardless of race, color, sex, religion, national origin, affectional or sexual orientation, age, disability, or other classifications that are protected under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and other pertinent state and federal laws and regulations. Direct equal opportunity inquiries to: Assistant to the President for Social Equity, 207 Carrier Administration Building, Clarion, PA 16214-1232, 814-393-2109.



A member of the Pennsylvania State System of Higher Education

Office of Social Equity  
Clarion University of Pennsylvania  
840 Wood Street  
Clarion, PA 16214-1232

[www.clarion.edu](http://www.clarion.edu)