

EDINBORO UNIVERSITY OF PENNSYLVANIA

HARASSMENT, INTIMIDATION AND INSTITUTIONAL VANDALISM - Policy No. C006

Supersedes Policy C006, Dated 10/10/89, 1/10/90, 7/25/94, 2/1/04, 5/1/04, 4/3/08, 1/18/10, 1/25/11, and 1/14/13

Recommended for Approval by: Mr. Guilbert Brown, Vice President for Finance and Administration

Approved by: Dr. H. Fred Walker on August 18, 2017

Review Date: As Required

I. INTENT

This policy is intended to define harassment, intimidation, and institutional vandalism; to provide information about these issues; to establish a mechanism for handling allegations of harassment and intimidation that occur on campus or at campus sponsored events from current students, employees, campus visitors and guests; and to address instances of institutional vandalism.

This policy shall be reviewed every two years, unless changes in PASSHE policy or the law require an earlier review.

II. POLICY

The University is committed to creating and maintaining a campus environment that is free of harassment, intimidation, and institutional vandalism. University policy prohibits committed acts that are severe or pervasive enough to have the impact of unreasonably interfering with an individual's ability to live, learn, and work at Edinboro University. Such acts include, but are not limited to, acts of bullying, including cyber-bullying, intimidation or danger to the person, criminal mischief, harassment by communication or address and arson. Other acts include, but are not limited to, institutional vandalism or when a person knowingly desecrates any school, educational facility, or any personal property located on that facility.

University policy, therefore, prohibits violence, harassment, intimidation, institutional vandalism, and intentionally inciteful acts directed toward any individuals or groups regardless of protected class status as defined by applicable federal or state law.

III. DEFINITIONS

- A. **Harassment** is defined as unwanted or unwelcome behavior or conduct that is sufficiently severe or pervasive enough to have the impact of unreasonably interfering with an individual's ability to live, learn, and work at Edinboro University.

Additionally, harassment against any individual on the basis of race, sex/gender, color, age, religion, ancestry, national origin, disability, organizational affiliation, sexual

orientation, gender stereotype, marital status, veteran status, or any other protected class status as defined by applicable federal or state law is discriminatory. This includes harassing conduct affecting tangible job benefits, interfering unreasonably with an individual's work or educational performance, or creating what a reasonable person would believe is an intimidating, hostile, or offensive environment.

- B. **Intimidation or the act of intimidation** is defined as behavior or conduct that intentionally or knowingly puts another person in fear of imminent bodily injury.
- C. **Bullying** is defined as behavior or conduct when the act is severe, persistent or pervasive and substantially interferes with an individual's educational or work environment, creating a threatening environment, or substantially disrupting the orderly operation of the University.
- D. **Cyber-bullying** is defined as an intentional electronic act of bullying as defined above.
- E. **Institutional vandalism** is defined as causing damage, including defacement, to University property (land or buildings owned or operated by the University and personal property in or on such land or buildings).

IV. CONFIDENTIALITY and DUE PROCESS

The Office of Social Equity and the Office of Human Resources and Faculty Relations will make every effort to ensure confidentiality and protect the due process rights of the complainant and the respondent. Additionally, the complainant, respondent, and witnesses are encouraged to maintain confidentiality consistent with the intent of the University.

Both parties shall be informed by the investigator of the procedural steps taken during the course of the complaint procedures.

This policy adheres to the due process rights contained within all Pennsylvania State System of Higher Education collective bargaining agreements and Board of Governors Merit Principle Policy.

V. RETALIATION PROHIBITED

Retaliation against any person who is the alleged victim or target of harassment or intimidation is prohibited.

Retaliation against any person who alleges harassment and/or intimidation or who reports or assists the Office of Social Equity or the Office of Human Resources and Faculty Relations in the investigation of a complaint under this policy is prohibited and may result in disciplinary action up to and including termination or expulsion from the University.

Discrimination is a serious matter which can have far-reaching effects; therefore, false or malicious accusations may result in disciplinary action. The University may take disciplinary action against someone who knowingly provides false information during the investigation of a complaint of unlawful or prohibited discrimination.

VI. REPORTING PROCEDURES

Reporting such allegations of unlawful or prohibited harassment or intimidation should occur as follows:

- A. **Report from:** A current faculty member, staff member, or administrator who believes s/he is the target of harassment and other forms of prohibited discrimination.

Report to: Director of Social Equity or Director of Human Resources and Faculty Relations.

- B. **Report from:** A current student or student worker who believes s/he is the target of harassment and other forms of prohibited discrimination.

Report to: Director of Social Equity or Director of Human Resources and Faculty Relations.

- C. **Report from:** A managers and supervisor who believe s/he is the target of unlawful or prohibited discrimination and who receive reports of harassment and other forms of prohibited discrimination.

Report to: Director of Social Equity or Director of Human Resources and Faculty Relations.

- D. **Report from:** A campus visitor or guest, service contractor or provider, or other individual who believes that s/he has been subjected to harassment and other forms of prohibited discrimination by a current employee or student.

Report to: Director of Social Equity or Director of Human Resources and Faculty Relations.

- E. **Report from:** A current employee of the Office of Social Equity who believes s/he is the target of harassment and other forms of prohibited discrimination.

Report to: Director of Human Resources and Faculty Relations.

- F. **Report from:** A current employee of the Office of Human Resources and Faculty Relations who believe s/he is the target of harassment and other forms of prohibited discrimination.

Report to: Director of Social Equity.

- G. **Report from:** A campus visitor or guest, service contractor or provider, or other individual who believes that s/he has been subjected to unlawful or prohibited discrimination by the University President or a member of the President's Executive Council.

Report to: Office of the Chancellor

All individuals have an obligation to report any information they have pertaining to harassment, including acts of bullying, or intimidation so that the matter may be addressed in a timely manner.

Some harassing behavior might violate criminal laws and, as such, individuals should feel free to discuss any actions with the University Police Department.

VII. THE ROLE OF ADVISORS

If a complainant or a respondent desires, s/he may be accompanied to the Office of Social Equity or the Office of Human Resources and Faculty Relations by another University employee or another University student who may advise and assist the complainant throughout the informal or formal resolution process.

The advisor must be an individual from within the University community and not the legal representative of either party.

A complainant or respondent and an advisor may consult with each other, but the advisor does not speak for or on behalf of the complainant or respondent.

VIII. COMPLAINT RESOLUTION

The purpose of complaint resolution is to investigate complaints of harassment or intimidation and to facilitate a formal resolution of the complaint based on a determination or finding of a violation of this policy.

The procedure for complaints calls for prompt review followed by action intended to prevent any harassment or intimidation. The complaint resolution process may result in disciplinary action.

- A. **Filing a Complaint:** Complaints of harassment and/or intimidation should be filed up to 180 days after the alleged act or behavior. It is in the best interest of all, however, to conduct a timely review of the circumstances of the alleged discriminatory act or behavior; accordingly, complainants are urged to file complaints as soon as possible. Therefore, individuals who have complaints of harassment and/or intimidation are encouraged to come forward.

Complaints against University employees are filed with the Director of Social Equity or the Director of Human Resources and Faculty Relations.

Complaints against University students are handled through the student judicial process. Complaints against University students, however, also should be reported to the Office of Social Equity. A report shall be made to the Dean of Students or his/her designee who will inform the complaining individual about the student judicial process.

Complaints against the University President or any member of the President's Executive Council should be filed with the Office of the Chancellor.

- B. **Form of Complaint:** The University strongly encourages complaints be in writing in order to ensure accuracy. Any person may use the complaint form provided in this policy to file a complaint (see APPENDIX). The form, however, must be signed and dated by the complainant.

Unsigned written or anonymous complaints will be addressed and investigated as warranted; however, the ability to substantiate unsigned or anonymous complaints is compromised.

- C. **Investigatory Reviews:** Investigatory reviews into allegations of harassment and/or intimidation, against employees are normally conducted by the Director of Social Equity or the Director of Human Resources and Faculty Relations.

Allegations of harassment and/or intimidation against students are handled through the Dean of Students and the Office of Student Judicial Affairs.

Upon receiving a complaint, the Director of Social Equity or Director of Human Resources and Faculty Relations or his/her designee shall commence an investigatory review of the allegations.

The investigatory review will be processed without undue delay absent exigent circumstances.

- D. **Investigation Completion:** At the conclusion of the investigatory review, the parties in a complaint shall receive notification that an investigative report has been completed and forwarded to the appropriate official for further action, if warranted.
- E. **Determination or Finding:** At the conclusion of the investigatory review, the parties shall receive written notification of the investigatory decision or finding. Written notification should be made within a reasonable time but may be delayed when reasonable.
- F. **Policy Violation:** If a violation of this policy has occurred, timely disciplinary action will occur that may range up to and including termination of employment or expulsion from the University in accordance with University policy.

If a student is found to have harassed and/or intimidated another person(s), the student will be disciplined in accordance with the Student Code of Conduct and employees will be disciplined under the appropriate collective bargaining agreement, or, in the event of a management employee, as appropriate in accordance with Board of Governors Policy (Merit Principles).

IX. COUNSELING

Upon request, counseling is available to any employee or student who believes that s/he has been subjected to any form of harassment or intimidation.

Current University students may contact Counseling and Psychological Services located in the Ghering Health & Wellness Center, 320 Scotland Road at 814-732-2743.

Current University employees may obtain counseling services through the State Employees Assistance Program (SEAP) at 800-692-7459.

X. ADDITIONAL RIGHTS

Individuals are encouraged to use these complaint procedures but are not required to do so and may choose to pursue other civil and legal options.

The procedures set forth in this policy are not intended to interfere with any legal rights under the statutes of the Commonwealth of Pennsylvania or the United States of America. In addition, it is not intended to interfere with any rights an employee may have under their appropriate collective bargaining agreement.

XI. TRAINING

Employee training as to the contents of this policy shall occur yearly. Additionally, new employees will be informed of this policy in New Employee Orientation within sixty (60) days of commencing employment and are required to participate in further training at least every year thereafter. Additionally, current University students shall be educated on this policy yearly.

XII. DISSEMINATION OF POLICY

This policy shall be disseminated to employees and students in a manner that makes the information readily accessible. The method of dissemination can include but not be limited to electronically, within employee and student handbooks, and/or via University website.

A current copy of this policy is posted to the online University Policy Manual. Hard copies of this policy may be obtained from the Director of Social Equity or the Director of Human Resources and Faculty Relations.

XIII. RELATED UNIVERSITY POLICIES, CODES, AND STATEMENTS

A065 – Student Vandalism of University Property

D006 – Police Investigation

G004 – Sex Discrimination, Sexual Harassment and Related Unprofessional Conduct

G005 – Equal Opportunity / Affirmative Action and Non-Discrimination

Student Appeal Procedure – Undergraduate and Graduate Catalogs

Student Code of Conduct and Judicial Procedures

CONTACT INFORMATION

Contact	Office	Address	Telephone
Director	Social Equity	3 rd Floor Reeder Hall	814-732-2167
Director	Human Resources and Faculty Relations	2 nd Floor Reeder Hall	814-732-2810 or 814-732-2703
Chief or Deputy Chief	University Police	911 Scotland Road	814-732-2921 or Emergency 814-732-2911
Dean	Student Affairs	2 nd Floor, Student Affairs Suite Dr. Frank G. Pogue Student Center	814-732-2313
---	Office of the Chancellor	Dixon University Center 2986 N. 2 nd Street Harrisburg PA 17110	717-720-4010

APPENDIX

FORMAL COMPLAINTS OF UNLAWFUL OR PROHIBITED DISCRIMINATION

INTAKE FORM

Complainants may use this form to file a complaint of unlawful or prohibited harassment, including sexual harassment. You may mail, fax, or email the form to the Office of Social Equity (see specific instructions below for sending completed intake form).

COMPLAINANT(S):

Employee ____

Student ____

Service Provider ____

Visitor/Guest ____

Name	Address	Phone Number	Email Address

(Use additional paper if necessary)

ALLEGED RESPONDENT(S):

Name	Office Address	Phone Number	Email Address

(Use additional paper if necessary)

DETAILED ALLEGATIONS:

Basis for Complaint: *(circle all that apply):* Race, sex/gender, color, age, religion, national origin, ancestry, disability, organizational affiliation, sexual orientation/gender stereotype, marital status, veteran status.

Description of Events: Please describe the events that cause you to believe the University's policy has been violated. In addition to your description of what happened please also provide information on who was involved, and dates on which the events occurred.
(Use additional paper if necessary)

Complainant has discussed this action and requested relief from the alleged violator:
Yes ____ No ____

Describe what steps, if any, have been taken for relief:
(Use additional paper if necessary)

Witnesses: If there are witnesses who have personal knowledge of or who observed the events that you have described, please complete the following information on the witnesses:

Name	Address	Phone Number	Email Address

(Use additional paper if necessary)

Requested Remedy: How would you like this matter resolved?

ATTESTATION

I, _____ (name or names) believe the above information and facts are true to the best of my knowledge.

(Complainant Signature)

(Date)

(Complainant Signature)

(Date)

(Complainant Signature)

(Date)

Mail to: Office of Social Equity, Edinboro University, 3rd Floor Reeder Hall, 219 Meadville Street, Edinboro, PA 16444

Fax to: 814-732-2153

Email to: equalopportunity@edinboro.edu