

EDINBORO UNIVERSITY OF PENNSYLVANIA

**EQUAL OPPORTUNITY/AFFIRMATIVE ACTION AND NONDISCRIMINATION
- Policy No. G005**

Supersedes Policy G005, Dated 11/4/88, 10/23/91, 11/1/94, 4/4/08 & 1/18/10

Recommended for Approval By: Mr. Gordon J. Herbst, Vice President for Finance and Administration

Approved By: Dr. Julie E. Wollman, President on November 12, 2012

Review Date: As Required

I. INTENT

This policy is intended to comply with the Pennsylvania State System of Higher Education (PASSHE) Board of Governors Policy 2009-03: Social Equity; PASSHE Equal Employment Opportunity Policy, Act 188 of 1982 Section 20-2014-A, PASSHE Policy 1988-02: Affirmative Action Prospectus; PASSHE Policy 1983-11: Equal Opportunity, and other applicable federal and state law.

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

II. POLICY ON EQUAL OPPORTUNITY / AFFIRMATIVE ACTION

Edinboro University (the University) is committed to a policy of equal opportunity. The Office of Human Resources and Faculty Relations and the Office of Social Equity shall take affirmative action in monitoring employment practices to ensure they will be administered in a nondiscriminatory manner. These employment practices include, but may not be limited to, recruitment, interviewing, selection, appointment, training, promotion, benefits, and discipline of all employees.

The University further commits to the following:

1. To seek employees, selected on the basis of qualifications, ability, experience, and training;
2. To employ and advance in employment employees on the basis of qualifications, ability, experience, and training;
3. To make available to employees opportunities for training, development, and advancement on the basis of the individual's ability and performance;
4. To ensure that students have an equal opportunity for admission, retention, financial aid, and equal access to student programs and activities; and

5. To award and administer contracts in a non-discriminatory manner.

The University's Affirmative Action Plans and Programs have been developed in strict compliance upon the Office of Federal Contract Compliance Programs Chapter 60 regulations for developing affirmative action plans and programs.

III. PROCEDURE

In accordance with this policy of equal opportunity / affirmative action, all decisions on personnel actions, the awarding and administration of contracts, and student activities are to be made in a manner consistent with this policy.

IV. POLICY ON NON-DISCRIMINATION

Edinboro University does not discriminate against individuals or groups because of their race, sex/gender, color, age, religion, 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.

It is the President's position that acts of unlawful or prohibited discrimination that adversely impact employment or education are a sufficient basis for the imposition of discipline and, depending on the nature of the offense, discipline will range from verbal warning up to and including termination.

When acts of unlawful or prohibited discrimination are sufficiently pervasive or so severe that they unreasonably interfere with an individual's performance and/or create an intimidating, hostile, and/or offensive working or learning environment, substantial disciplinary action is warranted.

The policy of non-discrimination applies to the following:

- a) Current University employees, as well as all employment programs of the University.
- b) Current University students, as well as all educational services and programs of the University.
- c) Individuals who have a contractual relationship to the University including but not limited to vendors and contractors.

The policy of non-discrimination also covers the following additional individuals:

- a) Applicants for employment during the application and decision process
- b) Applicant for admission to the University during the application and decision process
- c) Campus visitors or guests

V. DEFINITIONS

- A. **Complaint:** A detailed written statement of allegations of unlawful or prohibited discrimination that is signed and dated by the complainant. Complaints sent by electronic communication are permitted under this policy.
- B. **Complainant:** A student, employee, or applicant who is alleging the occurrence of unlawful or prohibited discrimination. The complainant is considered a party to the complaint.
- C. **Harassment:** 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 (see University Policy C006 Harassment, Intimidation, and Institutional Vandalism for more information).
- D. **Mediation:** A voluntary, informal resolution process in which the parties in a dispute agree to work through and resolve the dispute with the assistance of a mediator.
- E. **Respondent:** The employee whose actions are alleged to have violated the equal opportunity / non-discrimination provision of this policy. The respondent is considered a party to the complaint.
- F. **Retaliation:** Adverse or negative action taken against one who reports or assists in the investigation of a complaint.
- G. **Unlawful or Prohibited Discrimination:** An adverse employment or academic action or an adverse decision that is based on or motivated by an individual's race, sex/gender, color, age, religion, national origin, ancestry, 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.

VI. UNLAWFUL or PROHIBITED DISCRIMINATION

Edinboro University does not discriminate nor does it permit unlawful or prohibited discrimination by any member of its community against any individual on the basis of race, sex/gender, color, age, religion, national origin, ancestry, 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.

Harassment, whether verbal, physical, or visual, that is based on any of these protected characteristics 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.

While the University is committed to the principles of free inquiry and free expression, harassment and other forms of prohibited discrimination identified in this policy are neither legally protected expression nor the proper exercise of academic freedom.

VII. 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.

VIII. RETALIATION PROHIBITED

Retaliation against any person who is the alleged victim or target of harassment and other forms of prohibited discrimination.

Retaliation against any person who alleges discrimination 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 harassment and other forms of prohibited discrimination.

IX. REPORTING PROCEDURES

Reporting allegations of harassment and other forms of prohibited discrimination 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 Associate Vice President for 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 Associate Vice President for 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 Associate Vice President for 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 Associate Vice President for 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: Associate Vice President for 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 faculty, staff, administrators, and students have an obligation to report any information they have pertaining to harassment and other forms of prohibited discrimination, including sexual harassment, so that the matter may be addressed in a timely manner.

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

X. 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.

XI. COMPLAINT RESOLUTION

The purpose of complaint resolution is to investigate complaints of harassment and other forms of prohibited discrimination and to facilitate a resolution of the complaint based on a determination or finding of a violation of the University's policy on non-discrimination and/or the University's policy prohibiting sexual harassment.

The procedure for complaints calls for prompt review followed by action intended to prevent harassment and other forms of prohibited discrimination. The complaint resolution process may result in disciplinary action.

- A. **Filing a Complaint:** Complaints of unlawful or prohibited discrimination, including complaints of sexual harassment, 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 other forms of prohibited discrimination, including complaints of sexual harassment, are encouraged to come forward.

Complaints of harassment and other forms of prohibited discrimination against University employees are filed with the Director of Social Equity or the Associate Vice President for Human Resources and Faculty Relations.

Complaints of harassment and other forms of prohibited discrimination 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 Vice President of Student Affairs 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. 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 other forms of prohibited discrimination, including sexual harassment, against employees are conducted by the Director of Social Equity or the Associate Vice President for Human Resources and Faculty Relations.

Allegations of harassment and other forms of prohibited discrimination, including sexual harassment, against students are handled through the Dean of Student Life and the Office of Student Judicial Affairs.

Upon receiving a complaint, the Director of Social Equity or Associate Vice President for 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 University 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 from the appropriate University official. 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 discriminated against another person(s), the student will be disciplined in accordance with the Student Code of Conduct. If an employee is found to have discrimination against another person(s), the employee 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).

XII. COUNSELING

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

Current University students may contact Counseling and Psychological Services located in the Ghering Health & Wellness Center, 300 Scotland Road at 814-732-2743.

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

XIII. 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.

XIV. 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.

XV. 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 Associate Vice President of Human Resources and Faculty Relations.

XVI. RELATED UNIVERSITY POLICIES, PROCEDURES, and CODES

A008 – Reasonable Accommodations for Students with Disabilities
C006 – Harassment, Intimidation, and Institutional Vandalism
G004 – Sex Discrimination, Sexual Harassment and Related Unprofessional Conduct
G018 – Americans with Disabilities Act – Public Accommodations
G019 - Reasonable Accommodations for Employees with Disabilities
Student Appeal Procedure – Undergraduate and Graduate Catalogs
Student Code of Conduct and Judicial Procedures

XVII. CONTACT INFORMATION

Contact	Office	Address	Telephone
Director	Social Equity	Room 310 Reeder Hall	814-732-2167
Associate Vice President	Human Resources and Faculty Relations	Room 216 Reeder Hall	814-732-2810 or 814-732-2703
Chief of Police	University Police	911 Scotland Road	814-732-2921 or Emergency 814-732-2911
Vice President	Student Affairs	Room 220 Dr. Frank G. Pogue Student Center	814-732-2778
--	Office of the Chancellor	Room 352 Dixon University Center 2986 N. 2 nd Street Harrisburg PA 17110	717-720-4010

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, and other forms of prohibited discrimination. 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, Room 310, 219 Meadville Street, Edinboro PA 16444

Fax to: 814-732-2153

Email to: equalopportunity@edinboro.edu