POLICY STATEMENT

Anti-Discrimination & Anti-Harassment Policy

SU Policy Number: 701-001.0

ORIGINATING OFFICE
Office of Equity, Inclusion and Compliance

PURPOSE
To explain the policy of anti-discrimination and anti-harassment and outline prohibited conduct and actions that the university will take to respond to reports of discrimination and/or harassment.

SCOPE
This policy applies to all students, applicants for employment, and employees of Shippensburg University, as well as individuals who have a contractual relationship with the University, including, but not limited to vendors and contractors. All student-to-student discrimination and harassment reports will be subject to the Shippensburg University Student Code and Conduct Process. Faculty, staff, managers and administration, who allege discrimination or harassment against a student, will have their report referred to the Dean of Students for adjudication under the Student Code and Conduct Process. Individuals who fail to comply with this policy will be subject to sanctions, including sanctions under the University Student Code of Conduct, disciplinary action up to and including dismissal from employment, and/or termination of contract(s) or service(s) as applicable.

OBJECTIVE
To ensure that students, applicants for employment, and employees of Shippensburg University, as well as individuals who have a contractual relationship with the University, including, but not limited to vendors and contractors understand that discrimination against any individual on the basis of race, sex, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity, gender expression, veteran status, or other protected status or characteristic is strictly prohibited and will not be tolerated.

To ensure that students, applicants for employment, and employees of Shippensburg University, as well as individuals who have a contractual relationship with the University, including, but not limited to vendors and contractors understand that harassment will not be tolerated.
DEFINITIONS

1. Definitions of People Involved
   a. Reporting Individual: The individual person who is alleging the occurrence of harassment and/or discrimination.
   b. Responding Individual: The individual person whose actions are alleged to have violated the harassment and/or discrimination policy.
   c. Advisors: Reporting Individuals and Responding Individuals may be accompanied by an advisor to any related meeting or proceeding covered by this policy. The advisor must be a Shippensburg University employee or student or, for a member of a collective bargaining agreement, a union representative. For reports of sexual violence, the advisor may be any person chosen by the Reporting Individual or the Responding Individual, at either party’s expense. The role of the advisor is one of advisement and moral support. The advisor may not speak for or on behalf of the Reporting Individual or Responding Individual in a meeting or proceeding.
   d. Note: This provision does not alter or amend an individual employee’s Weingarten rights.
   e. Confidential Employees: University employees who are not required to report any information regarding an incident of alleged sexual violence to the Title IX Coordinator.
   f. Limited Confidential Employees: University employees who are not required to report personally identifying information regarding an incident of alleged sexual violence to the Title IX Coordinator. Only general information such as the nature, date, time and general location of the incident would be reported by these individuals.
   g. Mandatory Reporters/Responsible Employees: All other University employees that are not identified as confidential or limited confidential resources.
   h. University Resolution Mediators: Trained non-student employees at Shippensburg University who can facilitate informal mediation between parties involved in the Informal Resolution Process associated with this policy. Each University Resolution Mediator must go through annual training.
   i. Investigator: Investigator will be the Title IX Investigator & Prevention Specialist or alternate trained non-student employee(s) assigned by the Title IX Coordinator or their designee.

2. Definitions of Report Types
   a. Report: A statement outlining the allegations of harassment, written and signed by an identified Reporting Individual.
   b. Anonymous Report: A statement outlining the allegations of harassment, written but not necessarily signed by an identified Reporting Individual.

3. Definitions of Prohibited Conduct
   a. Discrimination: An adverse action taken against a person because of their race, sex, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity, gender expression, veteran status, or other protected status or characteristic.
   b. Harassment: Verbal or physical conduct that is directed at an individual because of the individual’s race, color, religious creed, national origin, age, sex, sexual orientation, gender identity, gender expression, disability, veteran status, or other status protected by law, and that 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 Shippensburg University’s educational, employment, social and/or
c. Interference/False Accusations: Knowingly making a material misstatement of fact in reporting or responding to a report of harassment, discrimination or retaliation may result in sanctions or disciplinary action. Anyone who believes that they have been the subject of a false report of discrimination or harassment may contact the Title IX Coordinator to discuss the allegations. The filing of a report that results in a finding of no policy violation is not sufficient evidence of a false accusation.

d. Sexual harassment: Any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
   i. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational advancement, or evaluation; or
   ii. Submission to or rejection of such conduct is used as the basis for employment or educational advancement, or evaluation; or
   iii. Such conduct is sufficiently severe, persistent or pervasive from the perspective of a reasonable person in the reporting party’s position, considering all circumstances, to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which substantially limits or interferes with an individual’s work or educational performance or opportunities.

An act is unwelcome when the individual did not solicit or invite conduct and the individual indicates that the conduct is undesirable or offensive. Conduct may be unwelcome even where the individual acquiesces or does not complain. However, if an individual actively participates in sexual banter or discussions without indicating that the conduct is undesirable or offensive, the behavior will not likely meet the definition of “unwelcome.”

Sexual harassment also includes acts of sexual violence. Sexual violence is defined as physical sexual acts perpetrated against a person’s will or where a person is impaired, whereby receiving affirmative consent is not possible (for example, due to the victim’s use of drugs or alcohol to intoxication, or because of a documented intellectual or other disability). A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion.

4. Retaliation: Retaliation against any person who alleges sexual harassment or discrimination against themselves or others, or who testifies, assists, or participates in any proceeding, investigation, or hearing regarding any a report under this policy may result in disciplinary action up to and including termination or expulsion. Prohibited retaliatory acts/behavior include coercion, intimidation, reprisals, threats, and adverse actions related to one’s employment or education, including directing or encouraging others to commit retaliatory acts. Any person who believes they have experienced retaliation should contact the Title IX Coordinator at TitleIXCoordinator@ship.edu or at (717) 477-1161.
5. Consensual Relationships: Consistent with PASSHE Policy 2009-03: Social Equity, employees are informed that romantic and/or sexual relationships in which power differentials are inherent are discouraged due to the inherent risks in any romantic or sexual relationship between individuals in unequal positions of power (i.e.: faculty/student, supervisor/employee, supervisor/student employee, student supervisor/student, coach/student athlete).

An individual with direct supervisory or evaluative responsibilities who is involved in such a relationship is encouraged to disclose that relationship in a timely manner to the Office of Human Resources. This disclosure may result in removing or reassigning the supervisory and evaluative responsibilities specific to the employee or student with whom the individual is in a relationship. While no relationships are prohibited by this policy, failure to disclose such relationships to the Office of Human Resources constitutes a violation of this policy and may result in disciplinary action as set forth by the applicable Collective Bargaining Agreement, Board of Governor Policy, or University Policy.

An individual who has been involved in a consensual sexual relationship who experienced harassment or discrimination as a result of that relationship may file a report under this policy. The existence of a prior consensual relationship will not bar a claim of sexual harassment and may not constitute a defense. Reports of sexual harassment and/or discrimination arising from a consensual relationship will be investigated under this policy.

POLICY
Shippensburg University ("the University") is committed to maintaining a positive learning, working, and living environment for all and assuring its educational and employment environment is free from unlawful discrimination or harassment. It is the policy of the University to comply fully with all applicable state and federal laws and regulations.

Discrimination against any individual on the basis of race, sex, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity, gender expression, veteran status, or other protected status or characteristic is strictly prohibited and will not be tolerated.

Direct questions regarding the University’s obligations around this policy to the Title IX Coordinator in Old Main 200, (717) 477-1161, or to the Office for Civil Rights, United States Department of Education, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, (215) 656-8541.

PROCEDURES
Reporting Discrimination and/or Harassment:
An individual covered by this policy who believes they have been subject to harassment, discrimination, or retaliation may seek resolution by filing a report in the manner outlined below within 90 days of the alleged act of harassment, discrimination and/or retaliation. The Title IX Coordinator, their designee or the President may extend, for a reasonable period of time, any of the deadlines specified in this section.

Any supervisor, manager or administrator who witnesses or receives an oral or written report of
discrimination, harassment, and/or retaliation must immediately notify and forward the report to the Title IX Coordinator.

Any party covered under this policy may file a report, in any of the following ways:

○ Title IX Coordinator:
  ▪ Daniel Velez, Chief Equity, Inclusion and Compliance Officer for all reports from any member of the campus community at TitleIXCoordinator@ship.edu or (717) 477-1161

○ Deputy Title IX Coordinators:
  ▪ Nipa Browder, Deputy Title IX Coordinator in Human Resources for reports from faculty, staff, managers, administration and contractors at NBrowder@ship.edu or (717) 477-1124
  ▪ Marcus Foster, Deputy Title IX Coordinator in Equity, Inclusion and Compliance for all reports from students, faculty, staff, managers, administration and contractors at MLFoster@ship.edu or (717) 477-1161
  ▪ Jenn Milburn, Deputy Title IX Coordinator in Students Affairs for reports from students at JSMilburn@ship.edu or 717-477-1904
  ▪ Rochelle Plummer, Deputy Title IX Coordinator in Student Success for reports from students at RDPlummer@ship.edu or 717-477-1033
  ▪ Carrie Michaels, Deputy Title IX Coordinator for Gender Equity in Athletics for reports from students, coaching faculty and staff in Athletics at CAMichaels@ship.edu or 717-477-1711

○ Online:
  ▪ http://www.ship.edu/EIC/

In the event of a report of discrimination and/or harassment against the Title IX Coordinator or an individual in the Office of Equity, Inclusion and Compliance, file a report with the Office of the Provost and Vice President for Academic Affairs, Dr. Tom Ormond, TCormond@ship.edu.

In the event of a report of discrimination and/or harassment against the University President, file a report with the Office of the Chancellor at 2986 N 2nd Street Harrisburg, PA 17110-1201 or at the following email: chancellor@passhe.edu.

Communication Methods
As email is the official communication method for Shippensburg University, all written correspondence covered by this policy will be delivered via University email. It is the responsibility of all parties involved to check their University email account regularly.

Preliminary Inquiry
Following receipt of a report of discrimination and/or harassment, the Title IX Coordinator or their designee will promptly determine whether the report is properly classified as a possible instance of discrimination and/or harassment based on the Reporting Individual’s protected class status. Absent
unusual circumstances, this process should not take longer than 20 days. Where a report alleges actions that do not fall within this policy, the Title IX Coordinator or their designee may refer the matter to the Chief Human Resources Officer or the Dean of Students and direct further review, as appropriate. Such review may result in action such as mediation or other administrative action as deemed appropriate by the reviewing officer.

In any case where the report does not evidence violence, threat, pattern, predation, and/or weapon use, the Title IX Coordinator or their designee may respect a Reporting Individual’s request for no action, and will investigate only so far as necessary to determine appropriate remedies.

As necessary, Shippensburg University reserves the right to initiate resolution proceedings without participation by the Reporting Individual.

Resolution Processes: Informal and Formal

1. Informal Resolution Process
   If the Title IX Coordinator or their designee deems the report to fall within the scope of this policy following a preliminary inquiry, they will inform the Reporting Individual who may then seek Informal Resolution Process, except for reports alleging sexual violence. The Reporting Individual and Responding Individual must both agree in writing to participate in the Informal Resolution Process and meet with the Title IX Coordinator or their designated University Resolution Mediator within 5 business days of initiating the Informal Resolution Process.

   The Responding Individual may be told of the identity of the Reporting Individual at this stage. Investigation is optional, since the emphasis is not on establishing a founded or unfounded report, but on stopping the alleged misconduct. If deemed appropriate under certain circumstances, the Title IX Coordinator and/or their designee may meet with the Reporting Individual and Responding Individual together if, in their judgment, such a meeting could foster a resolution to the issues and the Reporting and Responding Individuals agree to such a meeting.

   If the Reporting Individual is not satisfied with the Informal Resolution Process or its outcome, or no longer wants to participate in the Informal Resolution Process, they may pursue Formal Resolution. If the Responding Individual declines to participate in the Informal Resolution Process, the Formal Resolution Process may be initiated.

   Informal Resolution Process should conclude within 30 days of request; however, there may be extenuating circumstances that delay that timeline. Following Informal Resolution Process, all parties will receive a short written memorandum setting forth the agreed upon solution. Any act of reprisal or retaliation directed against the Reporting or Responding Individuals or other persons involved in the process may result in disciplinary action up to and including termination and expulsion.

   If at the conclusion of Informal Resolution Process, or if at any time therein, the Reporting Individual should decide to withdraw the report, the University via the Title IX Coordinator or
their designee, shall retain the right to pursue a report in its own name under this policy.

2. Formal Resolution Process
   To initiate a formal report, the Reporting Individual should submit a completed and signed formal report. Reports filed online, via email must be signed in order to constitute a formal report. In cases involving sexual violence, and where the Reporting Individual does not wish to participate, but the University deems it necessary to do so, the Title IX Coordinator or their designee will file the formal report. The Title IX Coordinator or their designee may meet with the Reporting Individual to review the formal report to clarify any issues that may be unclear.

A formal report must set forth the following:
1. The Reporting Individual’s protected class;
2. The date of the alleged act(s) of discrimination, harassment, and/or retaliation;
3. All relevant information regarding the alleged act(s);
4. The names of any individuals believed to have information regarding the alleged acts.
5. The desired outcome the Reporting Individual is seeking.

Notice of Receipt of a Formal Report and Investigation
Within five (5) business days of deciding that the report falls within the scope of this policy, the Title IX Coordinator or their designee will issue a written Notice of Report and Investigation to the parties involved. This notice will include the Reporting Individual’s name and the allegation(s) made.

Investigation
Generally, the Investigator will be the Title IX Investigator & Prevention Specialist. However, depending on the circumstances, The Title IX Coordinator or their designee may assign an alternative trained non-student employee to investigate a report. The Investigator(s) will review and investigate the report, interview the parties to it, seek out any relevant documents/communication deemed pertinent to the investigation, as well as any relevant witnesses or persons having knowledge of the situation.

Investigations will be completed promptly, normally within thirty (30) days of the decision to conduct the investigation. However, an investigation may take longer depending on the nature, extent and complexity of the allegations, availability of the involved parties, witnesses, police involvement, etc.

Final Investigative Report
Upon completion of the investigation, the Investigator(s) will produce a final investigative report setting forth the facts, a summary of possible policy violation(s), and a recommendation of findings and review that report with the Title IX Coordinator who will submit that report to the supervising Vice President and President. Following receipt of the final investigative report, the supervising Vice-President or the President will make a final determination of action(s).

Final Determination of Action
1. Unfounded Report- No Violation. If the supervising Vice President or President determine the
matter as unfounded after the conclusion of an investigation, the supervising Vice President or the Office of the President will issue a letter to that effect to the Reporting and Responding Individuals and the matter will be deemed closed.

2. Founded Report- Violation. If the supervising Vice President or President determine the matter to be founded, the appropriate Vice President or the President will assess sanction(s). The supervising Vice President or the Office of the President will inform the Reporting Individual via letter that appropriate action has been taken, but will generally not list specific disciplinary actions, which may be a part of the Responding Individual’s personnel file, except where the sanction directly relates to the discriminated or harassed individual (e.g., a no contact order) or involves a finding of violence.

Sanctions
In all instances, the supervising Vice President or the President retain the sole authority and discretion to take formal disciplinary action against an employee. Individuals who are found to have violated this policy will be subject to disciplinary action(s), as set forth by the applicable Collective Bargaining Agreement, Board of Governors Policy, or University Policy. Such action(s) against employees could include, but are not limited to, an informal oral reprimand, a written reprimand, required training, suspension or other disciplinary action up to and including termination of employment.

Annual Training
In accordance with PASSHE Policy 2009-03: Social Equity, the University has a mandatory obligation to conduct employee training yearly in addition to training for new students and employee orientations on this and all policies that intersect with the Office of Equity, Inclusion and Compliance. All faculty, staff, and administrators are required to participate in this training within 60 days of commencing employment and at least every year thereafter.

Reports with External Agencies/Organizations
Individuals are encouraged to use these report procedures but are not required to do so and may choose to pursue reports in other forums. In addition to or in place of the University’s procedures, Reporting Individuals may choose to file a report with federal or state agencies such as the Pennsylvania Human Relations Commission (717) 787-9780, the U.S. Equal Employment Opportunity Commission (800) 669-4000, or the Office of Civil Rights of the U.S. Department of Education (215) 656-8541.

This policy is not intended to interfere with any rights an employee may have under an applicable collective bargaining agreement. Unionized individuals may choose to pursue a report through the appropriate Collective Bargaining Agreement grievance procedures.

Posting of Policy
In accordance with PASSHE Policy 2009-03: Social Equity, this policy is available online at www.ship.edu/EIC and in print format upon request by sending an email to TitleIXCoordinator@ship.edu or by calling 717-477-1161 and requesting a printed copy of the policy. The policy is also posted in the Office of Equity, Inclusion and Compliance, Old Main 200.
and in the Office of Human Resource Management, Old Main 109.

Resources
Employees are eligible for crisis counseling by contacting the State Employee Assistance Program (SEAP) at 800-692-7459. Students may see a counselor at the Shippensburg University Counseling Center by calling 717-477-1481 or visiting the Wellness Center in Naugle Hall on the Ground Floor. Additional resources are listed below.

Shippensburg University is committed to ensuring that individuals who experience sexual misconduct have access to a variety of services and resources. Confidential resources are individuals who DO NOT have to report incidents of sexual misconduct to the Title IX Coordinator or local law enforcement. To talk with someone to receive support and assistance in a confidential setting contact any of the confidential resources listed below:

On-Campus Resources-Not Confidential

   Dean of Students
   Old Main 201
   (717) 477-1165
   https://www.ship.edu/dean_of_students/

   Pride Center
   CUB 231
   (717) 477-1291
   https://www.ship.edu/Pride/

On-Campus Resources-Confidential

   Director of the Women’s Center
   First Floor, Horton Hall
   (717) 477-1790
   womenscenter@ship.edu

   Counseling Center (for Students)
   Wellness Center, Naugle Hall
   (717) 477-1481
   https://www.ship.edu/counseling_center/

   United Campus Ministry (Only Rev. Jan Bye can provide Confidential support services, including counseling for individuals who experienced sexual misconduct).
   Cora I. Grove Spiritual Center (717) 477-1672
   https://www.ship.edu/ucm/
Off-Campus Confidential Resources

YWCA Rape Crisis Center
Carlisle, Pennsylvania
(717) 243-3818 (Office)
(888) 727-2877 (24-hour hotline)
http://ywcacarlisle.org/index.php/support/specific-program/hotline-phone-24hr

WIN: Women in Need
serving both Franklin and Fulton County
(717) 264-4444 (Office)
(800) 621-6660 (24-hour hotline)
http://winservices.org/

National Domestic Violence Hotline (800) 799-7233
https://www.thehotline.org/

RECISSION
This policy is effective immediately following approval, and replaces all other policies whether in print or electronic format.

APPROVALS
EMT Approval: October 15, 2019
EMT Approval: August 25, 2020

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701-001.0 Anti-Discrimination Anti-Harassment Policy.docx

DATE
8/25/2020

DISTRIBUTION
Public