

# SHIPPENSBURG UNIVERSITY STUDENT SERVICES, INC.

## Anti-Sexual Harassment Policy

### Purpose

To create an environment free of sexual harassment as governed by Title IX of the Education Amendments of 1972 which prohibits sex discrimination in education, Title VII of the Civil Rights Act of 1964 which prohibits sex discrimination in employment, the Pennsylvania Human Relations Act, and their underlying regulations.

### Scope

Applies to all employees of Shippensburg University Student Services, Inc. (SUSSI), students, and individuals who have a contractual relationship with SUSSI, including, but not limited to vendors and contractors.

### Objective

SUSSI is committed to creating an environment free from unlawful discrimination and harassment based upon an individual's gender for all of its employees, students, and those having a contractual relationship with SUSSI.

### Definitions

1. **Sexual harassment:** A form of sex discrimination occurring when there is deliberate or repeated use of sexual comments, attempted physical contact, or actual physical contact including sexual violence in the workplace or academic environment that creates a hostile environment for the recipient.
  - a. **Quid Pro Quo:** "Quid pro quo" is a Latin term that implies a trade off, "this for that" or "something for something." The harassment occurs when a job, job benefit, or support of student activities is directly linked to a subordinate's, co-worker's, or student's willingness to grant or deny sexual favors.
  - b. **Hostile Environment:** "Hostile environment" harassment is unwelcome conduct of a sexual nature that creates an intimidating, hostile, or offensive working or academic environment and has the effect of substantially interfering with the victim's work, study, or participation in student activities. Behavior will be considered "unwelcome" if the individual did not solicit or invite it and particularly if s/he indicates that s/he finds the conduct undesirable or offensive. Acquiescence or failure to complain does not mean that the conduct is welcome. However, if an employee, student, or contractor actively participates in sexual banter or discussions without giving an indication that s/he does not like it, it will probably not meet the definition of "unwelcome." Not every act that might be offensive to an individual or group necessarily will be considered as harassment and a violation of the SUSSI's Anti-Sexual Harassment Policy. In determining whether an act constitutes harassment, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom, of speech, academic freedom, and advocacy.

- c. For purposes of this Policy, unsolicited sexual advances, requests for sexual favors, verbal comments, gestures, or physical contact of a sexual nature which are unwelcome constitute sexual harassment when:
  - i. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, support, or participation in student activities, or entering into a contract with SUSSI.
  - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment, support, or participation in student activities, or entering into a contract with SUSSI decisions affecting such individual, or
  - iii. Such conduct has the effect of unreasonably interfering with an individual's work performance or participation in student activities or creating an intimidating, hostile, or offensive work or academic environment.
2. Complainant: The person who is alleging the occurrence of sexual harassment.
3. Respondent: The person whose actions are alleged to have violated the Anti-Sexual Harassment Policy.
4. Retaliation: Includes threats, intimidation, reprisals, and adverse actions related to one's employment or education.

## **Policy**

It is the policy of SUSSI to prohibit harassment of employees, students, and vendors on the basis of sex. Sexual harassment is a form of sex discrimination. Where sexual harassment is found to have occurred, SUSSI will act to stop the harassment, prevent its recurrence, and, if need be, take appropriate corrective action, including discharge from SUSSI.

Retaliation against any person who alleges sexual harassment or who reports or assists in the investigation of a complaint under this Policy may result in disciplinary action up to and including termination. Retaliation against any person who is the alleged victim of sexual harassment is prohibited as well.

## **Responsibilities**

Any employee, student, contractor, or vendor who believes that he or she may have experienced sexual harassment based on this Policy should promptly report the incidents to The President of SUSSI. Reports may be written or verbal. The President of SUSSI will report to the Shippensburg University's VP of Student Affairs any complaint filed that alleges sexual harassment as defined in this Policy.

The President of SUSSI is responsible for the implementation, dissemination, and explanation of this Policy. Assistance in accomplishing these tasks may be obtained by contacting Shippensburg University's VP of Student Affairs or legal counsel. It is the obligation of each employee, student, and those with a contractual relationship with SUSSI to adhere to this Policy.

## **Procedures**

The President of SUGSI or his/her designee shall investigate complaints filed in accordance with SUGSI's Policy against sexual harassment in compliance with, without limitation, Title IX of the Education Amendments of 1972 which prohibits sex discrimination in education, Title VII of the Civil Rights Act of 1964 which prohibits sex discrimination in employment, the Pennsylvania Human Relations Act, and their underlying regulations. SUGSI's President will hear and investigate all complaints lodged that fall within the aforementioned areas. Complaints against the President of SUGSI will be reported to and investigated by Shippensburg University's VP of Student Affairs.

SUGSI's President will report to the Shippensburg University VP of Student Affairs all complaints filed. Any written complaints filed will be reported to SUGSI's legal counsel. SUGSI's President will work with Shippensburg University's VP of Student Affairs or legal counsel while investigating a complaint.

SUGSI's President shall within (15) fifteen working days of receiving a complaint notify the complainant of either the status of the investigation or the results of the investigation. Until the investigation is concluded and a determination has been made, SUGSI's President will provide a status report of the investigation to the complainant every (15) fifteen working days.

## **Consequences**

SUGSI will not tolerate any form of discrimination and will take appropriate disciplinary action, including possible termination, of any person determined to have engaged in unlawful conduct with the Policy.

## **No Retaliation**

SUGSI will not retaliate or discriminate against any employee, applicant, student, or a contractor because he or she has opposed any unlawful practice or filed a charge of discrimination, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to unlawful practices.

SUGSI Board

Reviewed and Approved: Date: May 8, 2018