SEXUAL HARASSMENT AND SEXUAL ASSAULT POLICY

Slippery Rock University seeks to provide an environment that is free from sexual harassment and sexual assault.

All employees, students and vendors are to comply with federal and state laws and regulations that relate to sexual harassment and sexual assault as well as the provisions of this policy. The coverage of this policy extends to persons visiting the campus.

It should be clearly understood that the university will take action to prevent sexual harassment and sexual assault, including, if necessary, disciplining those individuals whose behavior violates university policy. For employees, discipline may include, but is not limited to, oral or written warning, transfer, suspension or dismissal.

The procedures for processing a sexual harassment and sexual assault complaint against a student (student to student or allegations where the alleged offender is a student) are described in and governed by the SRU Student Handbook, Student Conduct section. To report a sexual harassment and/or sexual assault complaint against a student and discuss options, contact the Office of Student Conduct, 008 Old Main, 724-738-2134.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexual violence (including dating violence, domestic violence and stalking) and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; or

2. submission to, or rejection of, such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare; or

3. such conduct is so severe or pervasive that it has the purpose or effect of substantially interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive or demeaning education or work environment.

Furthermore, as provided by the U.S. Department of Education Office for Civil Rights, sexual harassment also consists of verbal or physical conduct of a sexual nature, imposed on the basis of gender, that denies, limits, differentiates, or conditions the provision of aid, benefits, services, or treatment protected under Title IX.
Whether the victim and the person accused of harassment are of the same gender, or
different genders, does not, in and of itself, determine whether any particular situation
constitutes sexual harassment.

Sexually harassing conduct may include but is not limited to verbal, physical, written,
graphic, pictorial, and sexual violence incidents. Not every act that may be offensive to
an individual or group constitutes sexual harassment. In determining whether sexual
harassment or sexual assault has occurred, the totality of the circumstances
surrounding the incident must be carefully reviewed and due consideration must be
given to the protection of individuals’ rights, freedom of speech, academic freedom, and
advocacy. Complaints of sexual harassment and sexual assault, including dating
violence, domestic violence, and stalking, will be reviewed from a standard of a
“reasonable person” of the same gender as the complainant.

For purposes of this policy, even if the behavior is not sufficiently severe or pervasive to
constitute a basis for an award of damages or other relief to a victim under state or
federal law, Slippery Rock University may still issue disciplinary action, up to and
including termination of employees, so long as the acts committed by an employee are
a sufficient basis on which to issue discipline as determined by university policy and
provide the employee to his/her right to due process. The university may also discipline
employees if the behavior meets just cause and other applicable standards in the
appropriate collective bargaining agreement. Nothing in this policy may be taken to in
any way modify or contradict the substantive and/or procedural rules provided by any
applicable collective bargaining agreement or policy or procedure/standard of the Board
of Governors of the State System of Higher Education.

**LEGAL AUTHORITY**

Harassment on the basis of gender is a violation of federal and state law and university
policy, including but not limited to Section 1604 of Title VII of the Civil Rights Act of
1964, Title IX of the Educational Amendments of 1972, the Violence Against Women
Act and its amendments, the Pennsylvania Human Relations Act and regulations issued
pursuant to those statutes.

**NON RETALIATION**

No faculty, administrator, staff, student, applicant for employment, or member of the
public may be subject to restraint, interference, coercion, or reprisal for action taken in
good faith to seek advice concerning a sexual harassment matter, to file a sexual
harassment or sexual assault complaint, or to serve as a witness in the investigation of a sexual harassment or sexual assault complaint. Retaliation is a separate charge and may be cause for discipline apart from the outcome of the initial complaint. That is, retaliation can be found to have occurred even if there is no finding of a policy violation under the original complaint. Retaliation should be reported to the Assistant Vice President, Diversity and Equal Opportunity/Title IX Coordinator.

FALSE CHARGES

Allegations of sexual harassment and sexual assault are serious and can have far-reaching effects on the careers and lives of individuals. Therefore as in any case of serious charges against a student or employee, false or malicious accusations will not be tolerated, and may be cause for disciplinary action, or in the case of students, referral to student standards. Good faith allegations that do not result in disciplinary action will not be considered false charges.

COUNSELING

Arrangements can be made for students of the university to receive counseling from the university counseling center. Employees may seek assistance through the State Employee Assistance Program (“SEAP”) by calling 1-800-692-7459. The Victim Outreach Intervention Center (“VOICe”) is also available to meet with university community members who have experienced sexual assault or dating violence.

ADVISORS

Complainants and respondents may be accompanied by an advisor who is a member of the campus community to help them through the complaint process. In cases where an employee is a member of a union, the employee may be accompanied by a union representative.

RECORD KEEPING

Records of disciplinary action are kept according to the University’s records retention policies.

RELATED UNPROFESSIONAL CONDUCT

Professional relationships are central to the mission and goals of the University, it is essential to establish a standard of expected conduct in these relationships. Personal relationships should not be allowed to conflict with the academic and professional
integrity of these interpersonal relationships or to interfere with an individual's work or educational experience.

A University employee with professional or supervisory responsibility for a student has real or potential power and authority over that student or employee in a variety of roles including, but not limited to, instructor, advisor, coach, work-study supervisor, committee member, etc. Such employee shall not abuse that power. Amorous and sexual relationships between a student and an individual with professional responsibility for that student may be presumed to be exploitative and may 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.

Therefore, any employee in a supervisory role who enters into an amorous or sexual relationship with a student or other 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.

CONFIDENTIALITY

In recognition of the dignity and reputations of all parties, those individuals officially involved in the proceedings or investigation will respect the confidentiality of the complaints and all proceedings, to the extent possible under federal and state law. Disclosure of the complaint will be limited to individuals who, in the interest of fairness and problem resolution, have a need to know. The complainant and the accused are encouraged to maintain confidentiality consistent with the provisions of this policy. For information regarding a complainant’s request for confidentiality involving incidents of sexual assault, see Confidentiality Statement for Victims of Sexual Assault.

CAMPUS SECURITY AUTHORITY

The Clery Act recognizes certain University officials and offices as “Campus Security Authorities” or “CSAs.” The Act defines these individuals as an “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus student conduct proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” CSAs are required to report Clery crimes to University Police, including, but not limited to crimes involving domestic violence, dating violence, stalking, and hate crimes. For a complete list of all crimes that must be reported, see the University’s Annual Security Report, which can be found on
Allegations of sexual violence, including crimes involving minors, sexual assault, dating violence, domestic violence, and stalking are to be reported either to University Police at 724-738-3333 or the Title IX Coordinator at 724-738-2016.

**TRAINING**

In keeping with PASSHE Board of Governor’s Policy 2009-03: *Social Equity*, the university recognizes a mandatory obligation to conduct sexual harassment and sexual assault prevention training on a yearly basis for all employees, in addition to providing training for new student and employee orientations. All faculty, staff, and administrators are required to participate in this training within 60 days of commencing employment and at least yearly thereafter. Training will be available in both classroom and online formats. Additionally, the university supports ongoing training and awareness campaigns to raise awareness of and prevent sexual harassment and sexual assault on campus.

**DISSEMINATION OF SOCIAL EQUITY POLICIES**

Copies of the sexual harassment and sexual assault policy are available on the university’s Diversity and Equal Opportunity website at http://www.sru.edu/financeandadministrativeaffairs/diversity/Pages/default.aspx. Additionally, hard copies of all policies can be obtained in the Office of Diversity and Equal Opportunity, 305 Old Main or by calling 724.738.2016.

**PROMPT REPORTING AND RESOLUTION**

Complainants are urged to file complaints as soon as possible. As time passes, it may become more difficult to investigate and resolve complaints. In addition, because there are time limitations for filing external complaints with state and federal agencies, prompt action by the complainant is important.

Complaints against employees or vendors must be filed with the Assistant Vice President of Diversity and Equal Opportunity/Title IX Coordinator, 305 Old Main, 724.738.2016. In cases where a complaint is made against the Office of Diversity and Equal Opportunity, or in the absence of the assistant vice president of diversity and equal opportunity/title IX coordinator, the president may designate an individual to receive complaints and perform other responsibilities provided hereafter in this policy. Complaints against students must be filed with the Office of Student Conduct, 008 Old Main, 724.738.2134.

**PROCEDURES**
To encourage persons experiencing alleged sexual harassment and sexual assault to come forward, the University provides both informal and formal complaint resolution procedures as well as services to assist the complainant in processing his or her experiences. In cases brought by students alleging sexual assault or harassment, because of the power differential involved, the informal procedure is not available and will not be utilized.

The procedure for informal complaints calls for prompt review and mediation, if desired, by both the complainant and the accused, followed by action designed to prevent any further harassment. The procedure for formal complaints requires prompt review that may result in disciplinary action against someone who has sexually harassed another. To the extent that all information has been received and all witnesses are available to complete the investigation, the investigator(s) should attempt to complete and advise both parties of the outcome within 60 calendar days of receiving a written complaint.

A preliminary determination will be made by the assistant vice president of diversity and equal opportunity/title IX coordinator or his/her designee as to whether a complaint, if proven, would constitute a violation of the university's policy prohibiting sexual harassment and sexual assault.

**INFORMAL COMPLAINT PROCEDURE**

The informal procedure is initiated by filing a complaint. Upon review of the informal complaint, the assistant vice president of diversity and equal opportunity/title IX coordinator, or his/her designee, will contact the accused to arrange a meeting to inform the individual of the complaint. Any person involved in such informal discussions may be accompanied by an individual or appropriate union official if he/she so desires. The informal process can be broken off by either party at any time. If the assistant vice president of diversity and equal opportunity/title IX coordinator determines the need for a formal investigation, he/she may initiate a formal complaint investigation independent of the preferences of the complainant or respondent.

To the extent possible and if requested by the complainant, the identity of the complainant will be held in confidence during the informal complaint process.

The assistant vice president of diversity and equal opportunity, or his/her designee will advise the accused of the informal complaint procedure and describe the alleged behaviors by the complainant. The assistant vice president of diversity and equal opportunity, or his/her designee, may serve as a mediator or may appoint another
individual to serve in the role of mediator.

The mediator will serve as the facilitator to seek a resolution of the complaint. Information regarding the circumstances and perceptions of the complainant will be shared by the mediator with the accused who will have an opportunity to respond. Depending upon the circumstances of the complaint and/or the willingness of the complainant to be identified, the mediation effort could include either or both of the following options:

1. The mediator will have a discussion separately with the accused and the complainant concerning the alleged act or pattern of behavior causing the complaint and attempt to resolve the situation.

2. Both the accused and the complainant may voluntarily attempt to resolve the situation through meetings in which both parties are present and participate.

At the conclusion of mediation, both the complainant and the accused will be notified of the outcome.

If the complainant or the accused is not satisfied with the outcome, he/she may choose to file a formal complaint using the university's sexual harassment and sexual assault procedure or file with an external agency.

**FORMAL COMPLAINT PROCEDURE**

The formal complaint process includes an investigatory and review process. The purpose of an investigation under the formal complaint procedure is to determine whether it is more likely than not that a violation of the sexual harassment and sexual assault policy was committed. This investigatory procedure is not intended to interfere with any legal rights an employee or student has under state or federal law, nor is it intended to interfere with any employee rights under the appropriate collective bargaining agreement. There is no right to be represented by counsel, nor any right to introduce evidence or cross examine witnesses about their testimony. If the accused employee is represented by a union, he or she will be informed of his or her right to union participation, but the failure to provide such notice shall not, because of this policy, be deemed to invalidate this process.

The formal complaint process may be initiated by filing a complaint with the assistant vice president of diversity and equal opportunity or his/her designee, when informal resolution is unsatisfactory, or when the assistant vice president of diversity and equal opportunity or his/her designee determines that there is need for a formal investigation.
The assistant vice president of diversity and equal opportunity or his/her designee will conduct an investigation which may include gaining access to records and conducting interviews with the complainant, accused and others who may have relevant information. The assistant vice president of diversity and equal opportunity/title IX coordinator or his/her designee will determine the scope of the investigation. The accused will be informed of the allegation and provided with a copy of the written complaint and a copy of this policy.

**SANCTIONS**

If there is insufficient evidence to warrant a finding of sexual harassment or sexual assault, the complainant and the accused will be notified by the assistant vice president of diversity and equal opportunity/title IX coordinator or his/her designee and the complaint will be closed.

If it appears there may be violations of university policy not regarded as sexual harassment or sexual assault, the matter may be referred to the appropriate manager.

If there is sufficient evidence to support a finding that the university’s policy on sexual harassment and sexual assault has more likely than not been violated, the assistant vice president of diversity and equal opportunity/title IX coordinator or his/her designee will forward the findings to the appropriate vice president and/or the president to initiate disciplinary action. No disciplinary action will be taken unless the respondent has had an opportunity to review the investigation report and to respond to the content of the report in a meeting with the appropriate vice president and/or the president.

The complainant will receive written notification of the final disposition of the complaint. If the complainant finds the resolution or disciplinary action unsatisfactory, he or she may file a grievance with the appropriate union following established procedures, or may pursue the complaint with appropriate external agencies.

**EXTERNAL COMPLAINT OPTIONS**

The complainant has the option at any time during informal or formal proceedings to file a complaint through an external public agency responsible for enforcing laws regarding sexual harassment. Generally this filing should take place within 180 days beginning with the date of the last alleged incident.

Pennsylvania Human Relations Commission  
www.phrc.state.pa.us  
300 Liberty Ave. State Office Bldg. 11th Floor
RESPONSIBILITY FOR IMPLEMENTATION

The university has a legitimate interest in educating all of its students, faculty, and staff regarding sexual harassment and sexual assault and the procedures to be taken in resolving complaints. The assistant vice president for diversity and equal opportunity/title ix coordinator is responsible for implementation of this policy and shall work with each vice president to provide appropriate training within his or her respective area. It is the responsibility of each member of the University community to read this policy and to become familiar with its provisions. Failure to follow the procedures set forth in this policy may inhibit or prevent the University from properly investigating an instance of alleged sexual harassment or sexual assault, or from taking appropriate remedial action. Any employee who is aware of an allegation of sexual harassment or sexual assault must report the allegation to the assistant vice president of diversity and equal opportunity/title ix coordinator in a timely manner. Failure to report allegations of sexual harassment or sexual assault may result in disciplinary action, up to and including termination. The only exception to this is if an employee is covered under the Confidentiality Statement for Victims of Sexual Misconduct. To maintain an environment free from sexual harassment and sexual assault, the following actions shall be taken:

- Deans, directors, department heads and supervisors shall inform all employees that sexual harassment and sexual assault are prohibited. This policy shall be emphasized by the deans at college meetings and explained by department chairs to academic staff and classified employees. Managers and directors shall discuss the issue in staff meetings. Those who have questions about this policy shall be referred to the Assistant Vice President for Diversity and Equal Opportunity.
The Title IX Coordinator will reach out to Deans, department chairs, directors, managers, and resident directors to provide training to their staffs on this policy.

In instances of sexual assault or sexual violence, Campus Security Authorities (CSAs) are to follow the policies and procedures set forth more fully in the University’s Annual Security Report which can be found on the University Police Department’s website.

The assistant vice president for diversity and equal opportunity/title IX coordinator shall ensure this policy contains accurate contact language and is placed in appropriate publications including the undergraduate and graduate catalogs and appropriate university websites.

The assistant vice president for diversity and equal opportunity/title IX coordinator shall be responsible for distributing this Policy annually to all employees and for coordinating sexual harassment and sexual assault awareness training for all employees, student employees, and students.

The assistant vice president for diversity and equal opportunity/title IX coordinator shall distribute and disseminate pamphlets and educational materials, including resources and support available, for display in departments and college offices.

The assistant vice president for diversity and equal opportunity/title IX coordinator shall ensure this policy is distributed to the contracts office, which will distribute this policy to outside vendors.

**SCOPE OF POLICY COVERAGE**

This policy applies to the entire University community.