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Document Title: Harassment, Sexual Harassment, Discrimination and Consensual Relationships

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Document Title: Gannon Prohibition Against Harassment and Unlawful Discrimination

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In the Christian tradition, the human person is created in the image and likeness of God, as stated in Genesis: "in the divine image male and female God created them" (Genesis 1:27). Grounded in this tradition, Gannon affirms and seeks to promote the fundamental dignity and respect accorded to all people by virtue of their common humanity.

Harassment and unlawful discrimination violate the basic right of each individual to be treated as a person worthy of respect and is in direct contradiction to the University's mission. In administering its affairs, Gannon University will prohibit harassment and shall not discriminate against any person on any basis prohibited by law.

All aspects of student recruitment, admissions, financial aid, student discipline, and student life conform to this basic policy in order to further the principles of equal opportunity and the spirit of affirmative action.

All members of the Gannon community have a responsibility for maintaining an environment free from harassment and unlawful discrimination. Gannon faculty, staff, and students are expected to treat each other with respect and to avoid any conduct that could be construed as harassment or unlawful discrimination.

Questions or concerns about any type of harassment or unlawful discrimination are to be brought to the attention of a harassment prevention officer by checking the website: <http://www.gannon.edu/depts/hr/Policy/Index.ihtml>, student conduct officer (814-871-7224), or any member of the Human Resources Department (814-871-7145). No one raising a question or concern should fear reprisal. Anyone found to be engaging in any type of harassment or unlawful discrimination or reprisal will be subject to corrective action, up to and including termination of employment.

Document Title: Harassment

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The following definitions of harassment are provided with reference to, and are intended to be inclusive of, the provisions of federal and local civil rights acts including: Title VII of the Civil Rights Act; Title IX of the Educational Amendments of 1972; the Civil Rights Restoration Act of 1988; as well as applicable state and case law. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion to an individual because of that person's (or their relatives', friends' or associates') race, color, gender, age, marital status, religion, national origin,

disability, Vietnam or disabled veteran status, or such other characteristic recognized by law as unacceptable and includes one or more of the following:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment.
- Has the purpose or effect of unreasonable interfering with an individual's work or academic performance.
- Otherwise adversely affects an individual's employment or academic opportunities.

Document Title: Sexual Harassment

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Sexual harassment is a form of harassment that includes behavior of a sexual nature that is, or may be perceived as being, unwelcome or offensive. Often, sexual harassment involves relationships of unequal power and contains elements of coercion (i.e., when compliance with requests for sexual favors or sexual attention becomes a condition of employment, work, education, study, or benefits). Sexual harassment may also involve relationships among equals (i.e., when repeated sexual advances or demeaning verbal or physical behavior initiated by a peer has a detrimental effect on a person's ability to study or work at the University).

Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct, or communication of a sexual nature directed toward a member of the Gannon community or applicant, particularly when one or more of the following circumstances are present:

- Submission to or rejection of such conduct is an explicit or implicit term or condition of employment or admission.
- Submission to or rejection of such conduct is used as a basis for a personnel or academic decision.
- The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive working or academic environment.

Examples of sexual harassment include, but are not limited to, these actions:

- Physical assault, indecent exposure, physical contact of a sexual nature, or realized sexual encounters.
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, academic evaluation, or letter of recommendation.
- Direct propositions of a sexual nature.
- A subtle pressure for sexual activity, or a pattern of conduct intended to disconcert, distress, or humiliate through sexual comments or sexually explicit statements, questions, jokes, anecdotes, or sexually explicit visual/auditory material.
- A pattern of conduct that would disconcert, distress, or humiliate a reasonable person of the same gender as the person to whom the conduct was directed. The pattern of conduct

could include one or more of the following actions: unnecessary touching; unwanted staring; patting, hugging; or brushing against a person's body; remarks of a sexual nature about a person's clothing or body; remarks about sexual activity; or speculations about previous sexual experience.

Brochures detailing information on Sexual Harassment are available in the Human Resources Department. You may also access information on the Human Resources web site, <http://www.gannon.edu/depts/hr/Policy/>.

Document Title: Discrimination
Document ID: 7.7.1.3.0.0.0

Discrimination in employment and/or education involves a decision and/or act by someone who is authorized by the University to make decisions and/or take actions. In the case of discrimination, the decision and/or action is made on a basis declared unlawful by applicable federal, state, and local civil rights laws and it negatively impacts on an applicant's, employee's, or student's access to employment and/or to all aspects of student life and education.

Document Title: Consequences
Document ID: 7.7.1.4.0.0.0

Any member of the Gannon community who is found to have engaged in harassment or unlawful discrimination involving a faculty member, staff member, student, or applicant will be subject to corrective action, up to and including dismissal.

Document Title: Harassment Complaint Resolution Procedures
Document ID: 7.7.1.5.0.0.0

If a member of the Gannon community believes that he/she has been or is being subjected to harassment or unlawful discrimination, or has observed harassment or unlawful discrimination, that person should take the following steps:

- In cases of unlawful discrimination, a faculty member, staff member, or student who feels subjected to discriminatory behavior should register a complaint as described below.
- In cases of harassment, a faculty member, staff member, or student who feels subjected to harassment should consider advising or otherwise informing the alleged harasser that the behavior is unwelcome and must stop. If this is not practical, a complaint should be registered as described below.
- A documented attempt will be made to resolve complaints at the earliest possible stage with integrity and sensitivity to all parties involved. Information will be released only on

a need-to-know basis. Confidentiality will be respected consistent with the University's legal obligations.

- Complaints are best resolved if addressed early. As time passes, they become more difficult to investigate and resolve. Complaints must be lodged within 180 days of the incident that gave rise to the allegation, unless an exception is made for good cause as determined by the harassment prevention officer.

Document Title: Steps for Making a Complaint

Document ID: 7.7.1.6.0.0.0

- Any faculty or staff member or applicant for employment may make a complaint of unlawful discrimination or harassment by contacting the harassment prevention officer (<http://www.gannon.edu/depts/hr/Policy/Index.ihtml>).
- Any student may make a complaint of harassment or unlawful discrimination by contacting the student conduct officer at 814-871-7224.
- The complainant may be accompanied by a friend or an advocate throughout the complaint process.
- The harassment prevention officer or the student conduct officer (hereafter both are referred to as officer) will meet with and assess the complainant's situation and discuss available resources and options.
- The officer will determine if the complaint merits an investigation. If it is determined that an investigation will not be conducted, the complainant will be advised in writing.
- The officer will meet with the party alleged to have committed harassment or unlawful discrimination, hereafter referred to as the respondent. The respondent will be informed of the complaint in writing.
- The respondent must reply in writing within 10 business days of having been advised in writing of the complaint unless an exception is made for good cause as determined by the officer. Failure by the respondent to reply in writing in the time allowed will be treated as an admission of the allegations.
- The officer will conduct fact-finding and interviews to determine the factual veracity of the complaint.
- The officer will determine if a resolution can be reached and will communicate the resolution in writing to all parties involved.
- The officer will send a written report to the appropriate vice president (or Dean of Student Development if the respondent is a student) stating the findings and the resolution, if satisfactory, to the parties involved. The vice president (or dean) will determine if any formal corrective action is to be taken in regards to the respondent.
- If a resolution cannot be reached and the findings substantiate the complaint of harassment or unlawful discrimination, the appropriate vice president (dean) will take prompt action. Formal corrective action, if initiated, will be communicated in writing to the respondent and the officer.
- The vice president (dean) shall also advise the complainant in writing if the respondent has been sanctioned for the harassment or unlawful discrimination.
- Should a vice president (dean) be the respondent, the report from the officer will be submitted to the president.

- Should the president be the respondent, the report from the officer will be submitted to the Executive Committee of the Board of Trustees.
- The officer will maintain all records and will monitor the fulfillment of the sanctions.

Document Title: Appeals

Document ID: 7.7.1.7.0.0.0

When the complaint is against a faculty or staff member, either party may appeal the findings and recommendations of the officer's report or subsequent discipline in writing to the appropriate vice president of the division wherein the harassment allegedly took place. This appeal must be submitted to the vice president within 15 calendar days of receipt of the written report. The vice president will review the record of the matter and will reach a final determination as to any action to be taken within 10 calendar days of receipt of the appeal and will communicate the final determination in writing to both parties.

The determination of the vice president is final and may only be addressed further by a written grievance to the University Review Council by the party who remains dissatisfied by the final determination.

When the complaint is against a student, either party may appeal the findings and recommendations of the officer's report or subsequent discipline by appealing in writing to the Dean of Student Development. This appeal must be submitted to the dean's office within 15 calendar days of receipt of the written report. The dean will review the record of the matter and will reach a final determination as to any action to be taken within 10 calendar days of receipt of the appeal and will communicate the final determination in writing to both parties. In matters that do not involve expulsion from the University, the dean's decision is final and not subject to further review.

If the student is expelled and the dean upholds the expulsion, the student may appeal the dean's decision to the Committee on Student Conduct. The procedures described in the policy on the Committee on Student Conduct, including an appeal to the president will apply.

Document Title: Anti-Retaliation Statement

Document ID: 7.7.1.8.0.0.0

Retaliation of any kind against anyone filing a complaint of harassment or unlawful discrimination or against anyone investigating the said complaint is prohibited. Initiating a complaint of harassment or unlawful discrimination will not affect a complainant's employment, compensation, or work assignments; or in the case of a student, his/her grades, class selection, or any other matter pertaining to the student's status.

Distinguishing between harassment and unlawful discrimination and behavior that is purely personal or social without a harassing or discriminatory impact on work and/or education requires a determination based on all of the facts pertaining to the situation. False accusations of harassment or unlawful discrimination can seriously injure innocent people. Initiating a false

harassment or unlawful discrimination complaint or initiating a harassment or unlawful discrimination complaint in bad faith may result in corrective action. A finding for the respondent does not constitute a finding that the complaint was in bad faith.

Document Title: Harassment Prevention Officer

Document ID: 7.7.1.9.0.0.0

The president shall appoint at least three harassment prevention officers from among members of the Gannon community, one of whom shall be designated as the Title IX of the Education Amendments of 1972 (Title IX) Coordinator for the University. The harassment prevention officers shall have a background and/or training in harassment and unlawful discrimination and the investigation thereof, and shall be appointed or re-appointed each September and announced to the Gannon community. The harassment prevention officers shall co-chair the Harassment Prevention Committee.

The harassment prevention officers, or in the case of students, the student conduct officer, are to assess allegations of harassment and unlawful discrimination and determine when investigation is called for. If, in their judgment, an investigation is warranted, they are to investigate the allegations of harassment or unlawful discrimination and report their findings to the appropriate vice president, or in the case of students, the Dean of Student Development. They are to monitor the University's compliance with civil rights laws, rules, and regulations.

They are to assist students, faculty, staff and any other member of the Gannon community to resolve concerns or allegations of harassment or unlawful discrimination and related conflicts, complaints, and disputes. In addition, harassment prevention officers are charged with conducting annual training programs.

The harassment prevention officers do not have disciplinary authority. The harassment prevention officers will make a confidential report to the respective vice president regarding allegations of harassment or unlawful discrimination.

When an individual has filed or wishes to file a complaint, the harassment prevention officers will counsel the complainant regarding the complainant's rights under the complaint process. The harassment prevention officers will also inform individuals against whom allegations are made of their rights under the complaint process. In addition, the harassment prevention officers shall advise individuals in supervisory roles regarding steps to resolve harassment and unlawful discrimination complaints.

In dealing with harassment or unlawful discrimination allegations, the harassment prevention officers can provide the following assistance:

- Explaining University policies and procedures regarding harassment and unlawful discrimination.
- Helping individuals evaluate a wide variety of options for resolving harassment or unlawful discrimination complaints.

- Serving as facilitators between the parties in an effort to help them reach an agreement about future interactions if either party does not wish to meet face-to-face.
- Serving as mediator, with the consent of both parties.
- Referring individuals to other campus resources when appropriate (i.e., for counseling).
- Statistical analysis of such complaints will be prepared annually by the harassment prevention officers and provided to the president for dissemination, at the president's discretion, so long as the names of the parties to the complaints are not identifiable from such records.

Document Title: Consensual Relations

Document ID: 7.7.2.0.0.0.0

As a Catholic university, Gannon encourages all members of the Gannon community to live in a manner consistent with the Christian tradition. While there are many implications to this comprehensive standard, this section addresses a particular legal and ethical concern. The prescriptions of this policy should be considered within the broader context of Christian teaching on marriage and human sexuality.

The Mission of Gannon University is promoted by mutual trust and respect. Actions by Gannon University faculty members, staff members, or students that manipulate this trust undermine and hinder fulfillment of Gannon University's Mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power. Those who abuse or appear to abuse their power in such contexts violate their duty to the University community and their responsibility to support the University Mission.

Romantic and/or sexual relations between Gannon University faculty or staff members and students or between supervisory employees and their subordinates are strongly discouraged. Gannon University faculty and staff exercise power over students, whether in giving them praise or criticism, evaluating them by making recommendations for their further studies or their future employment, or conferring any other benefits on them. Supervisors impact subordinates' careers and salaries.

Given the fundamentally asymmetrical nature of a faculty or staff member's relationship with a student or a supervisor-subordinate relationship, voluntary consent by the student or subordinate in romantic and/or sexual relations is inherently suspect. In addition to the possible sexual exploitation of those directly involved, other faculty, staff, or students may be affected by such unprofessional behavior. Therefore, Gannon University shall view it as inappropriate and contrary to the Mission of the University if a faculty or staff member engages in romantic and/or sexual relations with any Gannon student or a supervisor engages in romantic and/or sexual relations with a subordinate.

The claim that romantic and/or sexual relations have been consensual may not preclude a charge of sexual harassment or constitute a sufficient defense against an allegation of sexual harassment.