

Lock Haven University Foundation
SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURES

I. Sexual Harassment Policy Statement

It is the policy of Lock Haven University Foundation to prohibit sexual harassment. Lock Haven University Foundation is committed to providing a learning and working environment that enhances the dignity and worth of every member of our team. To this end, the team must be free of sexual harassment.

All employees, board members, contractors and vendors are to comply with federal laws, state laws, regulations, and policies that relate to sexual harassment. The coverage of this policy extends to visitors to the offices of the Lock Haven University Foundation.

It must be understood that the Foundation will take action to prevent sexual harassment. Any employee of the Foundation found to be in violation of this policy will be subject to appropriate disciplinary action up to and including discharge. Board members, contractors, and vendors are subject to all remedies.

II. Legal Authority

Harassment of the basis of sex is a violation of Title VII of the U.S. Civil Rights Act of 1964, 42 U.S.C. §2000e et seq., Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq., the Pennsylvania Human Relations Act, 43 P.S. §951 et seq., and the Pennsylvania Fair Educational Opportunities Act, 24 P.S. §5001et seq.

III. Definitions

Complainant: The person who is alleging the occurrence of sexual harassment.

Dating violence: Violence by a person who is or has been in a romantic or intimate relationship with the complainant. Whether such a relationship exists will be gauged by the length, type, and frequency of interaction between the complainant and respondent.

Domestic violence: Misdemeanor and felony crimes of violence committed by:

1. The complainant's current or former spouse; or
2. The complainant's current or former cohabitant who has been regarded as a spouse; or
3. A person similarly situated under domestic or family violence laws; or
4. A person with whom the victim shares a child in common; or
5. Anyone else against an individual protected under domestic or family violence laws.

Respondent: The person whose actions are alleged to have violated the sexual harassment policy.

Sexual harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature and acts of sexual violence. Sexual harassment occurs when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or a student's academic status or treatment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the effect of unreasonably interfering with: 1) an individual's work performance or creating an intimidating, hostile, or offensive work environment; or 2) an individual's work performance, participation in extracurricular activities, or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment of students: This includes any form of sexual harassment, including acts of sexual violence, which include but are not limited to, rape, sexual assault, sexual battery, and sexual coercion. This is a form of sex discrimination prohibited by Title IX and includes physical social acts:

1. Against a person's will; or
2. Where a person is incapable of giving consent as a result of his/her use of drugs or alcohol; or
3. Where an individual is unable to give consent due to an intellectual or other disability.

Stalking: A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

IV. Reporting Sexual Violence, Domestic Violence, and Stalking

This section of the policy applies **only if** the complainant is a student or minor **and if** the alleged respondent is a student, employee, contractor, or vendor.

The Jeanne Clery Disclosure of Campus security Policy and Campus Crime Statistics Act (Clery Act), and the Violence Against Women Act prohibits sexual harassment, including sexual violence, domestic violence, dating violence and stalking should be referred to the Lock Haven University Department of Public Safety and the Title IX Coordinator, Complainants are encouraged, but not required to file a report with the Department of Public Safety and/or any other law enforcement agency. Lock Haven University Department of Public Safety employees should notify complainants of their right to file and administrative Title IX sex discrimination complaint. The University's Title IX investigation is separate from any law enforcement investigation, and a law enforcement investigation does not relieve the University of its independent Title IX obligation to investigate a complaint. Complainants should take every precaution to preserve evidence as proof of sexual violence, domestic violence, dating violence, and stalking offenses

Note: If the complainant is a student making allegations against another student, the matter will be referred to the Associate Dean of Student and Residence Life or his/her designee.

Contacts for reporting at LHU Main Campus, Clearfield Campus.

Title IX Coordinator, Ms. Deana L. Hill

dhill@lhup.edu
Associate VP of Human Resources,
Human Resource Department
J204 East Campus
570-484-2014

Deputy Title IX Coordinator, Ms. Jamie K. Penn (Shipe)

Associate Director of Human Resources & Social Equity
Human Resource Department
J100 East Campus
jks109@lhup.edu
570-484-2838

Director of Public Safety, Paul Altieri

Glennon Building
32 Glenn Road
(570) 484-2278
Fax (570) 484-2521
Email: paltieri@lhup.edu

Dean of Residence & Student Life, Dr. Dwayne L. Allison

219A Ulmer Hall
570-484-2317
Email: dallison@lhup.edu

V. Related Unprofessional Conduct and Consensual Relationships

This section of the policy applies only to a relationship between an employee and another employee or an employee and a student.

The Foundation's mission is predicated on professionalism in interpersonal relationships. Since professional relationships are paramount to the mission and goals of the Foundation, it is essential to establish a standard of expected conduct in these relationships. Personal relationships should not conflict with an individual's work or educational experience. A Foundation employee with professional responsibility or supervision of another who has real or potential power and authority over that individual in a variety of roles including, but not limited to, supervisor, mentor/advisor, etc., shall not abuse that power. Amorous and sexual relationships between a student and an individual with any professional responsibility for that student are presumed to be exploitive 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.

This policy also covers employee/employee consensual relationships. Due to the inherently unequal nature of a relationship in which one party supervises, advises or evaluates the other, the apparent consensual status of an amorous relationship between such parties is suspect even when both parties have given voluntary consent. In such a situation, it is the ethical and professional responsibility of the person in the position of power to relinquish decisions regarding the subordinate and to remove him/herself from the supervisory role.

Therefore, any employee/board member in a supervisory role who enters into an amorous or sexual relationship with another employee enters into that relationship with risk. These persons will be subject to the scrutiny if a complaint of sexual harassment is leveled against the "supervisory person" by the "subordinate person" or is a third party brings a complaint.

VI. Duty to Report Alleged Violations

All members of the Foundation must report violations that may be subject to this policy. Any employee who is aware of any violation of this policy must report the alleged violation to the Manager of Human Resources if an employee is involved. If a student is involved you must also report this violation to the Title IX Coordinator or the Associate Director of Human Resources and Social Equity/Deputy Title IX Coordinator for the Lock Haven University. Failure to report allegations of sexual harassment or sexual violence may result in disciplinary action, up to and including termination. It is the obligation of each employee and board member to adhere to this policy as well as visitors, contractors or vendors who come to the Foundation offices.

VII. Confidentiality

In the interest of maintaining confidentiality, only parties (i.e. complainant, respondent, witnesses, etc.) will be included in the investigation. Details of the complaint, as well as the names of the individuals associated with the investigation, will be disclosed only when it is necessary in order to maintain and protect the rights of any party involved or as otherwise required by law or a collective bargaining agreement. The Foundation will take reasonable measures to protect the confidentiality of any evidence obtained during investigations pursuant to this policy. However, the Foundation cannot and does not guarantee that confidentiality will be maintained.

VIII. Non Retaliation

The complainant and any other individual who participated in an investigation shall not be subjected to any form of retaliation from the Respondent or any other individual as a result of filing a complaint, providing witness testimony, reporting an occurrence of sexual harassment to which he/she was a witness, or protesting an act forbidden by this policy.

A separate investigation will be conducted concerning the retaliation. Any individual who has been found to have retaliated against any individual involved in the investigation will be subject to discipline up to and including discharge from Foundation employment, or from serving on the Foundation Board.

**IX. Procedure – Complaints against an Employee, Board Member, Contractor, or Vendor
Employee Complaint Procedure**

This section provides the procedure for an employee to file a complaint against an employee, board member, contractor, or vendor.

All complaints (with the exception of a complaint against the Human Resources Manager) shall be filed with the Human Resources Manager.

All complaints against the Human Resources Manager shall be filed with the Assistant Executive Director, Amanda Keiffer, 570-484-2383, amanda.keiffer@lhufoundation.org.

The complainant may be accompanied by a support person when coming to meet with the Human Resources Manager to file a complaint. The complainant will meet with the Human Resources Manager for the purpose of providing details concerning the alleged violations of this policy. The Human Resources Manager will secure details concerning the allegations from the complainant, either verbally or in writing.

The Human Resources Manager will provide information to the complainant for possible informal resolution of the complaint after securing details of the allegations from the complainant. This will occur only if it is determined that exploring informal resolution is appropriate after evaluating the complaint. An informal resolution may include the possibility of a meeting between the complainant and respondent to discuss an informal resolution of the matter. Importantly, if the matter is resolved informally, an investigation will not be conducted.

Note: Allegations of sexual assault cannot be handled through any informal resolution process.

Any complaint that cannot or should not be resolved informally will be forwarded to the Assistant Executive Director and/or his/her designee to determine if an investigation should be conducted. If an investigation is conducted, it shall be done within a reasonable period of time. If the complainant is a student, then the investigation and disposition shall generally be completed within sixty (60) calendar days unless circumstances prevent the completion of an investigation or disposition. The investigation may include, but is not limited to, the interviewing of the respondent and witnesses and reviewing relevant information and documents. At the conclusion of the investigation, a report will be forwarded to the President or his/her designee to determine what, if any action, will take place. The Assistant Executive Director has final authority over the matter. An investigation will be conducted in accordance with the terms of any applicable collective bargaining agreement.

If the complainant is a student, both the complainant and the respondent will be provided simultaneous written notice of the outcome of the complaint and informed about any remedial actions(s) taken by the Foundation. If any disposition is subsequently altered, both parties will be provided simultaneous written notice of the alteration.

This section provides the procedure for a student to file a complaint against an employee, board member, contractor, vendor.

A complaint of a student making allegations against another student will be immediately referred to the Dean of Residence and Student Life. All other student complaints should be filed with the Title IX Coordinator and/or the Deputy Title IX Coordinator (see page 3 for contact information)

The complainant may be accompanied by an advisor when coming to meet with the Title IX Coordinator and/or the Deputy Title IX Coordinator to file a complaint. The complainant will meet with the Title IX Coordinator and/or Deputy Title IX Coordinator for the purpose of providing details concerning the alleged violations of this policy, either verbally or in writing. The complainant will be asked to identify any relevant witnesses and/or information pertinent to the complaint. The complainant will be informed of the right to file a criminal complaint, independent of the administrative complaint process, with the LHU Department of Public Safety or any other police agency. The

complainant is informed that privacy shall be maintained but total confidentiality cannot be maintained as the Foundation has an obligation to act upon the complaint. The complainant is provided a list of resources for counselling services.

After receipt of the complaint, the Foundation will take immediate and appropriate action within a reasonable period of time to process and impartially investigate or determine what occurred. Investigation of complaints under this section shall generally be completed within sixty (60) calendar days unless circumstances prevent the completion of an investigation or disposition. The respondent shall be provided an opportunity to respond to the complaint. The complainant is not required to meet face to face with the respondent as part of the investigatory process.

At the conclusion of the investigation or determination of what occurred, the complainant and the respondent are provided simultaneous written notice of the outcome of the complaint and informed about any remedial action(s) taken by the Foundation. If an appeal results in an alteration of the remedial action, the complainant and the respondent are provided simultaneous written notice of the alteration.

X. Standard of Proof

Any complaint under this policy must be proven by a preponderance of the evidence. The preponderance of the evidence standard means that the complainant must prove facts necessary to support the complaint and the evidence presented convinces the fact-finder that a fact(s) sought to be proved is/are more likely true than not.

XI. False Charges/Complaints

Should it be determined that any person knowingly filed a false complaint or made false charges he/she may be subject to disciplinary action, up to and including discharge of employment. If the individual is a student, he/she shall be referred to the Dean of Residence & Student Life for appropriate action up to and including dismissal from the University/Foundation.

XII. Dissemination of Policy

This policy is located on the Foundation Drive. A hardcopy of this policy is available by contacting the Human Resources Manager.

XIII. External Complaint Options

Pennsylvania Human Relations Commission

- Pittsburgh Regional Office
301 Fifth Avenue
Suite 309, Piatt Place
Pittsburgh, PA 15222
412-565-5395
412-565-5711 TIY Users

- Harrisburg Regional Office
333 Market Street, 8th Floor
Harrisburg, PA 17126-0333
717-787-9780
717-787-7279 TIY Users

- Philadelphia Regional Office
110 8th Street, Suite 501
Philadelphia, PA 19107
215-560-2496
215-560-3599 TIY Users

Equal Employment Opportunity Commission

- Pittsburgh District Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
1-800-669-4000
1-412-395-5904 TIY Users
- Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
1-800-669-4000
1-800-669-6820 TIY Users

US Department of Education

- Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 1-800-421-3481
Email: OCR@ed.gov

Appendix A

Resources

Lock Haven University Title IX Coordinator/Associate Vice President of Human Resources Ms. Deana Hill
570-484-2014
Email: dhill@lhup.edu
Room J-202, East Campus at Lock Haven University

Lock Haven University Title IX Deputy Coordinator/Associate Director of Human Resources and Social Equity
Ms. Jamie K. Penn
570-484-2838
Email: jks109@lhup.edu
Room J-100, East Campus at Lock Haven University Or
University Or
Room B08, South Hall, Dixon University Center, Harrisburg PA

Lock Haven University Dean of Residence & Student Life, Dr. Wayne Allison
570-484-2319
Email: dallison@lhup.edu
219A Ulmer Hall at Lock Haven University

Lock Haven University Counseling Services
570-484-2479
124 Ulmer Hall at Lock Haven University

H.O.P.E. Center - Students at LHU Main Campus
570-484-2111
Suite 100, Ulmer Hall at Lock Haven University

Clinton County Women's Center - Students at LHU Main Campus
570-748-9509
34 W. Main Street, Lock Haven, PA

PASSAGES, Inc. - Students at Clearfield Campus
814-371-9677
90 Beaver Drive, 212d, DuBois, PA

Lock Haven University Public Safety Department Director, Paul Altieri
570-484-2278
32 Glenn Road, Lock Haven, PA

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City of Lock Haven Police
Department 570-893-5900
20 E. Church Street, Lock Haven, PA

Lawrence Township Police Department - Clearfield
Campus 814-765-1648
1215 Hall Street, Hyde, PA

Pennsylvania State Police - Clinton
County 570-726-6000
113 Boyd Lane, Mill Hall, PA

Pennsylvania State Police - Clearfield
County 814-857-3800
147 Doe Hill Road, Woodland, PA

Lock Haven University Foundation HR Manager
Ms. Lisa White
570-484-2994
Email: lisa.white@lhufoundation.org
Durrwachter Alumni Conference Center, Suite 309