

Revised and Issued: July 25, 2014

Updated: June 9, 2015

## Lock Haven University

### SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURES

#### I. Sexual Harassment Policy Statement

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

All employees, students, 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 on Lock Haven University campuses.

It must be understood that the University will take action to prevent sexual harassment. Any employee of the University found to be in violation of this policy will be subject to appropriate disciplinary action up to and including discharge. Students will be referred to the Office of Student and Residence Life for appropriate disposition up to and including dismissal from the University. Contracts of vendors are subject to all remedies.

#### II. Legal Authority

Harassment on 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. §5001*et 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 academic or 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 academic 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 and requires a prompt and equitable resolution of complaints. Acts of 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 an administrative Title IX sex discrimination complaint with the University in addition to, and independent of, the criminal 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, Coudersport Hospital and on-line students**

Title IX Coordinator, Ms. Deana Hill  
Associate Vice President of Human Resources  
East Campus, Room J204  
Telephone: 570-484-2014  
Email: [dhill@lhup.edu](mailto:dhill@lhup.edu)

Deputy Title IX Coordinator, Ms. Jamie K. Penn  
Associate Director of Human Resources and Social Equity  
East Campus, Room J100  
Telephone: 570-484-2838  
Email: [jks109@lhup.edu](mailto:jks109@lhup.edu)

Lock Haven University Department of Public Safety  
Director, Mr. Paul Altieri  
32 Glenn Road  
Telephone: 570-484-2278  
Email: [paltieri@lhup.edu](mailto:paltieri@lhup.edu)

Associate Dean of Student and Residence Life, Dr. Amy Cotner  
219 Ulmer Hall  
Telephone: 570-484-2317  
Email: [als1139@lhup.edu](mailto:als1139@lhup.edu)

**Contact for reporting at Dixon University Center**

Deputy Title IX Coordinator, Ms. Jamie K. Penn  
Associate Director of Human Resources and Social Equity  
DUC, South Hall, Room B08  
Telephone: 570-484-2838  
Email: [jks109@lhup.edu](mailto:jks109@lhup.edu)

All contacts for external law enforcement agencies can be found in Appendix A.

## **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 university's mission is predicated on professionalism in interpersonal relationships. Since professional relationships are paramount 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 conflict with an individual's work or educational experience. A University 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, professor, coach, 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.

Amorous or sexual relations between a faculty member or coach and a currently enrolled student of that faculty member or coach are presumed to be exploitive and constitute unprofessional conduct. This also applies to amorous or sexual relations between a graduate student/assistant and an undergraduate student when the graduate student/assistant has a supervisory academic responsibility for the undergraduate.

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, faculty member, or coach in a supervisory role who enters into an amorous or sexual relationship with another employee or student 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.

## **VI. Duty to Report Alleged Violations**

All members of the University community must report any 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 Associate Vice President of Human Resources/Title IX Coordinator or the Associate Director of Human Resources and Social Equity/Deputy Title IX Coordinator. 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 student, faculty, and staff member to adhere to this policy as well as visitors, contractors or vendors who come to campus.

#### **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 University will take reasonable measures to protect the confidentiality of any evidence obtained during investigations pursuant to this policy. However, the University 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 University employment or dismissal from the University if a student.

#### **IX. Procedure – Complaints against an Employee, Student, Contractor , or Vendor Employee Complaint Procedure**

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

All complaints (with the exception of a complaint against the President, the Associate Vice President for Human Resources, or the Associate Director of Human Resources and Social Equity) shall be filed with the Associate Director of Human Resources and Social Equity.

All complaints against the President, the Associate Vice President of Human Resources, and/or the Associate Director of Human Resources and Social Equity shall be filed with the Pennsylvania State System of Higher Education, Office of the Chancellor, Dixon University Center, 2986 N. 2<sup>nd</sup> Street, Harrisburg, PA 17110, 717-720-4000.

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

The Associate Director of Human Resources and Social Equity 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 President 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 President 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 action(s) taken by the university. 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, student, contractor, or vendor.**

A complaint of a student making allegations against another student will be immediately referred to the Associate Dean of Student and Residence 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 University 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 University 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 University. 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 Associate Provost for Student Affairs for appropriate action up to and including dismissal from the University.

#### **XII. Dissemination of Policy**

This policy is displayed on the University's website by clicking on the Social Equity tab at the bottom of the home page. A hardcopy of this policy is available at the following locations: the Office of the

Associate Vice President of Human Resources, the Office of the Associate Director of Human Resources and Social Equity, the Office of the Associate Dean of Student and Residence Life, the Office of the Associate Provost for Student Affairs, the Department of Public Safety, the LHU Health Center, the LHU Counseling Department, the Office of the Director of the Clearfield Branch Campus, the Office of the LHU Physician Assistant Program at the Dixon University Center, and the Office of the LHU Physician Assistant Program at Charles Cole Memorial Hospital in Coudersport. This policy is published in the LHU student handbook and the LHU employee handbook.

### **XIII. Training**

New employees will be required to participate in a sexual harassment training program within sixty (60) calendar days of appointment.

Employees will be required to participate in a sexual harassment training program on a yearly basis.

New students will receive sexual harassment training as part of the student orientation program.

### **XIV. 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 TTY Users
  
- Harrisburg Regional Office  
333 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17126-0333  
717-787-9780  
717-787-7279 TTY Users
  
- Philadelphia Regional Office  
110 8<sup>th</sup> Street, Suite 501  
Philadelphia, PA 19107  
215-560-2496  
215-560-3599 TTY Users



Lock Haven University Sexual Harassment Policy

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 TTY Users
- Philadelphia District Office  
801 Market Street, Suite 1300  
Philadelphia, PA 19107-3127  
1-800-669-4000  
1-800-669-6820 TTY Users

U.S. Department of Education

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

Policy Updates:

June 9, 2015

- Jamie K. Shipe to Jamie K. Penn
- Added U.S. Department of Education in "External Complaint Options".

Approved by

  
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President Michael Fiorentino, Jr.  
July 24, 2014

## **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  
Room B08, South Hall, Dixon University Center, Harrisburg PA

**Lock Haven University Associate Dean of Student and Residence Life**

Dr. Amy Cotner  
570-484-2317  
Email: alc1139@lhup.edu  
219 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

**A Way Out - Students at Cole Memorial Hospital**

877-334-3136  
P.O. Box 447, Coudersport, PA

**YWCA Greater Harrisburg - Students at Dixon University Center**

800-654-1211  
1101 Market Street, Harrisburg, PA

**Lock Haven University Public Safety Department, Paul Altieri, Director**

570-484-2278  
32 Glenn Road, Lock Haven, PA

**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

**Coudersport Police Department**

814-274-8970  
201 S. West Street, Coudersport, PA

**Harrisburg City Police Department -- Dixon University Center**

717-255-3131  
123 Walnut Street, Harrisburg, 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

**Pennsylvania State Police -- Dauphin County**

717-671-7500  
8000 Bretz Drive, Harrisburg, PA

**Pennsylvania State Police -- Potter County**

814-274-8690  
3140 East Second Street, Coudersport, PA