

POINT PARK UNIVERSITY

ADMIN 008

Policy on Discrimination and Harassment

Policy Statement & Purpose

The University is committed to creating an institutional environment free from discrimination and harassment for students and employees. The University prohibits discrimination and harassment based on the following categories: sex, race, ethnicity, religion, color, national origin, age (40 years and over), ancestry, individuals with disabilities, veteran status, sexual orientation, gender, gender identity, gender expression, height, weight, genetic information, marital status, caregiver status, or familial status in the administration of any of its educational programs, activities, or with respect to employment or admission to the University's educational programs and activities.

In addition, should any applicable law be enacted in the future prohibiting discrimination and/or harassment based on a category not listed above, or should there be other changes in the applicable law governing discrimination and/or harassment, this Policy will be deemed amended to the extent necessary to reflect such changes.

The University deplores incidents of discrimination or harassment wherever they may occur, including between students, between employees, and between students and employees.

The University is especially mindful of its obligation to seek learning opportunities for its students. Discrimination or harassment, whether overt or covert, may directly or indirectly have a negative impact on a student's ability to learn. Discrimination not only may have undesirable educational and psychological consequences; it is also against the law. Perpetrators of such behavior can be subject to University adjudication processes, including disciplinary action up to and including termination, suspension, and expulsion as appropriate. The community is further advised that recourse can be sought through the Equal Employment Opportunity Commission (EEOC), the Office of Civil Rights (OCR), the Pennsylvania Human Relations Commission (PHRC), or the courts. This policy does not limit the rights of an individual to seek remedies available under state or federal law.

In affirming the prohibition against discrimination and harassment on these bases, The University also affirms its compliance with applicable laws. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin, and the Age

Definitions

Harassment

Harassment may take the form of, but not be limited to, sexual harassment or harassment on the basis of protected characteristics. Harassment based on protected characteristics is verbal or physical conduct that denigrates an individual because of his/her sex, race, ethnicity, religion, color, national origin, age (40 years and over), ancestry, individuals with disabilities, veteran status, sexual orientation, gender, gender identity, gender expression, height, weight, genetic information, marital status, caregiver status, or familial status. Harassment has the purpose or effect of creating a hostile or offensive school or work environment; the purpose or effect of unreasonably interfering with an individual's school or work performance; or otherwise adversely affects an individual's employment or educational opportunities.

Discrimination

Discrimination is any decision, act, or failure to act that substantially interferes with a person's work or education when such decision, act, or failure to act is based on the categories listed above. Discrimination also includes retaliation: retaliation is any decision, act, or failure to act that substantially interferes with a person's work or education when such decision, act, or failure to act is based on that person's opposition to discrimination or that person's participation in a process aimed at addressing an allegation of discrimination. Further, the University does not discriminate in admission or access to, or treatment or employment in, any University program or activity.

In particular, the University affirms that no qualified person with a disability shall, on the basis of that disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any University program or activity. A person with a disability is any person who has a physical or mental impairment substantially limiting one or more major life activities, has a record of having such an impairment, or is regarded as having such an impairment.

Discrimination in Employment Act of 1967 prohibits employment discrimination based on age against individuals who are 40 years of age or older. Other federal laws prohibit discrimination against individuals in programs or activities that receive federal financial assistance. These laws prohibit discrimination on the basis of race, color, or national origin (Title VI of the Civil Rights Act of 1964), sex (Title IX of the Education Amendments of 1972), disability (Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990), and age (Age Discrimination Act of 1975).

Complaint Procedures:

Notice

Notice of this policy, including notice of the University's prohibition against discrimination and the procedures for filing complaints of discrimination and harassment, shall be provided as follows to students, employees, and third parties:

- (a) The policy shall be placed on the University's website in multiple locations, including the web pages of the Office of Title IX and Diversity.
- (b) The policy shall be provided to all new employees and incoming students.
- (c) Changes in the policy shall be promptly reflected on the University's website, and announcements of the changes shall issue through electronic bulletins and annual electronic updates to employees and students.
- (d) Notice of the University's prohibition against discrimination and the names and contact information of the compliance coordinators and other administrators named in this policy shall be placed in all materials relating to recruitment of students and employees.

Applicability.

The complaint procedures provided in this policy shall apply to complaints alleging discrimination and harassment carried out by employees, students, and/or third parties.

Intake of Complaints, Informal Resolution Process, and Complaint Administration.

All complaints of discrimination and harassment should be filed in writing with Vanessa Love, the Director of Title IX and Diversity by e-mail to vlove@pointpark.edu or by U.S. mail addressed to Vanessa Love, Point Park University, 201 Wood Street, Pittsburgh, PA 15222. As noted below, complaints alleging discrimination or harassment based on disability, race, color, religion, creed, national origin, age, or military or veteran status may also be filed directly with the appropriate administrator designated to address such complaints, and the Director of Title IX and Diversity, the Director of Equity and Inclusion, and the Title IX and Diversity Specialist shall coordinate recordkeeping regarding such complaints. All complaints shall be treated as filed as of the date they are received. Complaints must be filed within one calendar year of the date of the last act of discrimination.

Following filing, complaints shall be processed as follows:

In determining which set of procedures shall apply to a complaint alleging multiple types of discrimination and/or harassment, the Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist shall consult with the Vice President of Human Resources to reach a determination and shall communicate that determination to the complainant in writing within ten business days.

In advance of filing a complaint, any student or employee of the University may elect to consult with the Director of Title IX and Diversity, the Director of Equity and Inclusion, The Title IX and Diversity Specialist, or any other administrator named in the policy to seek additional information about the policy and the grievance procedures. Such consultation is not a prerequisite for filing a complaint.

An informal resolution process, such as mediation, with the appropriate involvement of designated administrators is available for all complaints, when all parties agree, with the exception of complaints under the Point Park Policy Prohibiting Sexual Harassment, Relationship Violence, Stalking and Gender-Based Discrimination. Voluntary mediation shall not be used to resolve complaints alleging sexual assault, these complaints will follow the Point Park Policy Prohibiting Sexual Harassment, Relationship Violence, Stalking and Gender-Based Discrimination.

All time frames provided in this policy shall constitute the time frames within which the policy normally shall be implemented and shall apply to days on which the University is in session. The University is in session from the first day of enrollment until the last day of the spring term, except for official University holidays, spring and fall breaks, winter shut down, and winter term. During all other times, the University shall ensure the reasonably prompt intake, processing, and resolution of complaints.

Any individual who is designated or requested to respond to a complaint of discrimination or harassment under this policy must immediately recuse himself or herself upon becoming aware of any reason for which he or she cannot conduct an adequate, reliable, and impartial investigation, including but not limited to a conflict of interest and bias concerning the complainant, respondent, or any other person involved in the complaint.

- a)** *Allegations of discrimination or harassment based on sex, marital status, sexual orientation, and/or gender identity and expression.* The University has designated a Title IX Coordinator to coordinate the University's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972, including the investigation of allegations of discrimination or harassment based on sex. The name and contact information of the Title IX Coordinator is as follows: Vanessa Love, Director of Title IX and Diversity, vlove@pointpark.edu, (412) 392-3980. If conduct upon which a complaint is based falls within the Point Park Policy Prohibiting Sexual Harassment, Relationship Violence and Stalking, these allegations may be investigated and resolved pursuant to the standards and time frames provided in that policy. If conduct upon which a complaint is based falls outside of the Point Park Policy Prohibiting Sexual Harassment, Relationship Violence and Stalking, they may be addressed under this policy and reported to the Director of Equity and Inclusion or the Title IX and Diversity Specialist.
- b)** *Allegations of discrimination or harassment based on disability.* The University has designated the Assistant Vice President of Human Resources and Insurance, or the Disability Services Coordinator, to coordinate the University's efforts to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Within five business days of filing, the Director of Human Resources or Disability Services Coordinator shall forward allegations of discrimination or harassment based on

disability to the Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist. Allegations of discrimination or harassment based on disability may also be filed in writing directly with the Director of Title IX and Diversity, the Director of Inclusion, or the Title IX and Diversity Specialist. Within five business days of receipt of a complaint, the Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist shall send written notice of receipt of the complaint to the complainant. The name and contact information of the applicable reporting contacts are as follows:

Assistant Vice President
Human Resources and Insurance
nrice@pointpark.edu
201 Wood Street
Pittsburgh, PA 15222
(412) 392-4770

Disability Services Coordinator
disabilities@pointpark.edu
201 Wood Street
Pittsburgh, PA 15222
(412) 392-8077

The Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist shall subsequently take the following steps to investigate the complaint. At all times, The Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist shall advise each person involved in the investigation that he or she is to keep the matter confidential.

- i. The Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist shall interview the complainant and the person against whom the complaint has been filed (the respondent).
- ii. The Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist shall provide both the complainant and the respondent with the opportunity to identify relevant witnesses and evidence.
- iii. The Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist shall consult with appropriate offices depending on the constituencies represented in the complaint,
- iv. Based on the information presented, The Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist shall identify any additional relevant sources of information.
- v. Within 45 days of receipt of a complaint, The Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist shall issue a report and recommendation containing a) a determination whether the preponderance of the evidence supports the allegation(s), with a description of the investigation as necessary; b) a recommendation for appropriate action. This report and recommendation shall be provided to the Vice President of Human Resources or Dean of Students, as appropriate.

If the report states a determination that the preponderance of the evidence supports the allegation(s), the Vice President of Human Resources or Vice President of Student Affairs shall render a decision on appropriate action, including but not limited to disciplinary action

within 10 days of receipt of the report. This decision may consider the total institutional record of the respondent. Written notification of the decision of the Vice President of Human Resources or Vice President of Student Affairs shall be issued to the complainant, the respondent, Director of Equity and Inclusion, the Director of Title IX and Diversity and the Title IX and Diversity Specialist. The notification shall include a description of any steps the University shall take to prevent the recurrence of any discrimination or harassment and to correct discriminatory effects on the complainant and others, if appropriate.

The respondent or complainant may present written arguments to the Director of Title IX and Diversity, the Director of Equity and Inclusion or the Title IX and Diversity Specialist appealing the decision of the Vice President of Human Resources within five days of the issuance of the decision. The Director of Title IX and Diversity, the Director of Equity and Inclusion or the Title IX and Diversity Specialist will have five days from receipt of such written arguments to act.

- c) *Allegations of discrimination or harassment based on race, ethnicity, religion, color, national origin, age, ancestry, military or veteran status, height, weight, genetic information, gender identity or gender expression, marital status, caregiver status, or familial status.* Within five business days of filing, the Director of Title IX and Diversity, the Director of Equity and Inclusion or the Title IX and Diversity Specialist shall designate a committee of at least two faculty or staff members to investigate the complaint. At all times, this investigation committee shall advise each person involved in the investigation that he or she is to keep the matter confidential.

The investigation committee is free to conduct any task related to the investigation as a group or to delegate tasks to individual members. Thus, all references below to the investigation committee denote the individual or group conducting any particular task.

The investigation committee shall interview the complainant and the person against whom the complaint has been filed (the respondent).

The investigation committee shall provide both the complainant and the respondent with the opportunity to identify relevant witnesses and evidence. The investigation committee shall interview any such witnesses and review any such evidence.

The investigation committee shall consult with appropriate offices depending on the constituencies represented in the complaint. If the complaint involves a student, the investigation committee shall consult with the Office of the Vice President of Student Affairs. If the complaint involves a faculty member, the investigation committee shall consult with the Office of the Provost. If the complaint involves a staff member, the investigation committee shall consult with the Vice President of Human Resources.

Based on the information presented, the investigation committee shall identify any additional relevant sources of information. The investigation committee shall examine these sources of information.

Within 45 days of receipt of a complaint, the investigation committee shall issue a report and recommendation containing a) a determination whether the preponderance of the

evidence supports the allegation(s), with a description of the investigation as necessary; b) a recommendation for appropriate action. This report and recommendation shall be provided to the Director of Title IX and Diversity, the Director of Equity and Inclusion, the Title IX and Diversity Specialist and the Vice President of Human Resources.

If the report states a determination that the preponderance of the evidence supports the allegation(s), the Vice President of Human Resources shall render a decision on appropriate action, including but not limited to disciplinary action, after discussions with the Office of the Vice President of Student Affairs, the Office of the Provost, and/or other relevant administrators, considering the constituency of the respondent, within 10 days of receipt of the report. This decision may consider the total record of the respondent. Written notification of the decision shall include a description of any steps the University shall take to prevent the recurrence of any discrimination or harassment and to correct discriminatory effects on the complainant and others, if appropriate.

The respondent or complainant may present written arguments to the Director of Title IX and Diversity, The Director of Equity and Inclusion, or the Title IX and Diversity Specialist appealing the decision within five days of the issuance of the decision. The Director of Title IX and Diversity, the Director of Equity and Inclusion, or the Title IX and Diversity Specialist will have five days from receipt of such written arguments to act.

Review of the Policy

At least every three years, the University shall undertake a review of this policy, the implementation of the policy, and education about the policy in consultation with the administrators designated in the Policy, and, if necessary, will recommend revisions to the Vice President of Human Resources. In addition, the Vice President of Human Resources, Director of Title IX and Diversity, and Director of Equity and Inclusion, and the Title IX and Diversity Specialist shall conduct regular meetings with applicable staff and faculty committees on campus to develop and implement a protocol for maintaining and reporting data on complaint resolutions.

Other Policies and Procedures

- Point Park University Code of Conduct
- Point Park University Policy Prohibiting Sexual Harassment Relationship Violence, and Stalking
- Point Park University Student Handbook

Policy Owner: Vice President of Human Resources

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