SEXUAL HARASSMENT POLICY

I. Purposes
The University of Pennsylvania’s commitment to freedom of thought, discourse and speech is founded on trust and respect among members of the University community. It is the responsibility of each member of the Penn community to respect the personal dignity and worth of others. The University has established policies on behaviors that interfere with its mission. The University’s Equal Opportunity and Affirmative Action Policy prohibits discrimination on the basis of race, color, sex, sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, veteran status or any other legally protected class or status. Policies and regulations implementing this commitment also include the Statement on Academic Freedom and Responsibility, the Guidelines on Open Expression and the Code of Academic Integrity.

The University has also adopted the following policy concerning sexual harassment. ¹ Sexual harassment in any context is unacceptable and is a matter of particular concern to an academic community in which students, faculty and staff must rely on strong bonds of intellectual trust and dependence. Sexual harassment is not tolerated at Penn.²

II. Definitions
For the purposes of University policy, the term “sexual harassment” refers to any unwanted conduct that is based on an individual’s sex, sexual orientation, gender identity and/or gender expression and that:

1. Involves a stated or implicit threat to the individual’s academic or employment status;
2. Has the purpose or effect of interfering with the individual’s academic or work performance; and/or
3. Creates an intimidating or offensive academic, living or work environment.

The University regards such behavior as a violation of the standards of conduct required of all persons associated with the institution. Accordingly, as noted in the Handbook for Faculty and Academic Administrators, the Human Resources Policy Manual, the Pennbook and other University publications, persons engaged in such harassment within the University setting are subject to the full range of internal disciplinary actions, including separation from the institution. The same range of disciplinary actions will be applied in the event of retaliation against an individual who in good faith makes an allegation of sexual harassment, who cooperates in an investigation into such allegations or who opposes any act of sexual harassment as defined in this Policy.

Not every act that might be offensive to an individual or a group necessarily will be considered as harassment and/or a violation of the University’s standard of conduct. In determining whether an act constitutes harassment, the totality of the circumstances surrounding the conduct must be carefully reviewed. Due consideration must be given to the protection of individual rights, freedom of speech, academic freedom and open expression.

III. Resources
Schools and Centers should make known to all of their members the available resources for information, counseling and support, as well as the informal and formal procedures for resolving complaints of sexual harassment within the appropriate School or Center or at the University level. These resources include the following:

A. Confidential Resources for Information, Counseling and Support
The following University resources are available to members of the University community who seek information and counseling about University policies on sexual harassment, standards of behavior, informal and formal mechanisms for resolving complaints and resources for complainants and respondents. These resource offices are also available to assist members of the University community with making an informal or formal complaint.

The resources listed below are considered confidential, which means that the information shared with these resources generally will be held in confidence, consistent with the University’s obligation to address complaints of sexual harassment, unless the person sharing the information gives his or her consent to the disclosure of that information. The commitment to confidentiality does not preclude the sharing of information among responsible University administrators as needed, including to keep members of the University community safe.

- African-American Resource Center (http://www.upenn.edu/aarc) (resource for students, staff or faculty)
- Counseling and Psychological Services (http://www.vpul.upenn.edu/caps) (resource for students)
- Employee Assistance Program (https://www.hr.upenn.edu/myhr/worklife/healthy/eap) (resource for staff or faculty)
- Lesbian Gay Bisexual Transgender Center (http://www.vpul.upenn.edu/lgbtc) (resource for students, staff or faculty)
- Office of the Chaplain (http://www.upenn.edu/chaplain) (resource for students, staff, faculty or visitors)
- Office of the Ombudsman (http://www.upenn.edu/ombudsman) (resource for students, staff or faculty)
- Office of Sexual Violence Prevention and Education (https://secure.wwv.upenn.edu/vpul/pvp) (resource for students)
- Penn Women’s Center (http://www.vpul.upenn.edu/pwc) (resource for students, staff, faculty or visitors)
- Special Services Department, Division of Public Safety (https://www.publicsafety.upenn.edu/about/special-services) (resource for students, staff, faculty or visitors)
- Student Health Service (http://www.vpul.upenn.edu/shs) (resource for students)

B. Additional Resources and Informal Mechanisms for Resolution
There are other resources available to the University community for information, counseling and support. These resources are also available to assist in the informal resolution of complaints, as are the confidential resources listed above.

- College Houses and Academic Services (https://www.collegehouses.upenn.edu) (complaints regarding College House residents)
- Dean’s Offices and Department Chairs (complaints regarding faculty and staff in their respective Schools or Departments)
- Division of Human Resources (https://www.hr.upenn.edu/myhr), Office of Staff and Labor Relations (complaints regarding staff)
C. Formal Mechanisms for Complaint Resolution

When informal resolution is not chosen, is unsatisfactory or is not appropriate, the formal mechanisms described below should be used.

Please note that these mechanisms are intended for sexual harassment complaints that do not involve allegations of sexual violence, domestic violence, relationship violence or stalking. Refer to the Sexual Violence, Relationship Violence and Stalking Policy for information about making formal complaints involving incidents of sexual violence, domestic violence, relationship violence and/or stalking.

Members of the University community who would like assistance with making a formal complaint may contact any of the confidential resources identified above.

1. A complaint of sexual harassment (excluding complaints involving sexual violence, domestic violence, relationship violence and/or stalking) against a faculty member, instructor or teaching assistant may be brought by a student, staff member, faculty member or visitor to the department chair or Dean of the faculty member. If the complaint is made to a department chair, the department chair is responsible for informing the Dean. If the Dean is the subject of the complaint, then the complaint should be made to the Provost (or his/her designee). The Dean or the Provost (or his/her designee) is then charged with taking appropriate action. If the matter is not resolved informally, the Dean or the Provost (or his/her designee) conducts an investigation. If based on the results of the investigation the Dean or Provost (or his/her designee) determines that action should be taken in response to the complaint, the Dean or Provost (or his/her designee) will determine what that action should be and the appropriate process for taking that action. For standing faculty, the procedures described in the Procedure Governing Sanctions Taken Against Members of the Faculty, Handbook for Faculty and Academic Administrators, part II.E.16 will be followed, if applicable. A member of the standing faculty, associated faculty or academic support faculty who believes she or he has been subjected to sexual harassment may file a grievance under the Faculty Grievance Procedure, Handbook for Faculty and Academic Administrators, part II.E.12, provided the complaint constitutes a grievance as defined in Section I of the Procedure. This procedure is administered by the Faculty Grievance Commission. The panel makes its recommendations to the Provost. In cases that involve reappointment, promotion or tenure, and in which the Provost has declined or failed to implement the recommendations of the panel to the satisfaction of the grievant, the grievant may seek to obtain a hearing before the Senate Committee on Academic Freedom and Responsibility on the actions of the Provost.

2. A complaint of sexual harassment (excluding complaints involving sexual violence, domestic violence, relationship violence and/or stalking) against a staff member may be brought by a student, staff member, faculty member or visitor to the supervisor of the person complained against, to the next level supervisor, to Human Resources (either to the Office of Staff and Labor Relations or to the Human Resources Director for the school or center) or to the Office of Affirmative Action and Equal Opportunity Programs (OAA/EOP). If the complaint is made to a supervisor, that individual is responsible for notifying either Human Resources (either the Office of Staff and Labor Relations or the Human Resources Director for the School or Center) or the Office of Affirmative Action and Equal Opportunity Programs. Either Human Resources or the Office of Affirmative Action and Equal Opportunity Programs will take responsibility for pursuing the matter. If the matter is not resolved informally, either Human Resources or the Office of Affirmative Action and Equal Opportunity Programs will conduct an investigation. If based on the results of that investigation it is determined that the policy was violated, then appropriate action will be taken.

3. A complaint of sexual harassment (excluding complaints involving sexual violence, domestic violence, relationship violence and/or stalking) may be brought against a student by a student, staff member, faculty member or visitor by filing a complaint with the Office of Student Conduct, which will handle the complaint pursuant to the Charter of the Student Disciplinary System. If the complaint relates to a graduate or professional student enrolled in a School which has established a hearing board or other decision-making body, a complaint should be filed with that body. Refer to the Office of Student Conduct website for a list of these graduate schools and programs.

4. A complaint of sexual harassment (excluding complaints involving sexual violence, domestic violence, relationship violence and/or stalking) may be brought by a visitor or guest of the University against an enrolled student, staff member or faculty member by contacting the Office of Affirmative Action and Equal Opportunity Programs which will handle the matter or make the appropriate referral.

D. Central Reporting of Sexual Harassment

The University’s decentralized system of resources is designed to encourage the reporting and resolution of complaints of sexual harassment. However, in order to enable the administration to identify any patterns or trends of sexual harassment, the Executive Director of the Office of Affirmative Action and Equal Opportunity Programs shall, on a semi-annual basis, convene a meeting of representatives from the offices and Centers listed in Section A to review and report on sexual harassment across the University based upon the reports or complaints of sexual harassment that they have handled formally or informally within their areas. Confidentiality regarding the identity of the parties involved in each complaint will be maintained to the extent possible.

E. Education and Prevention

The prevention of sexual harassment and the establishment of effective procedures with due concern for all parties require a thoughtful educational program.

1. University resource offices will provide to the community information on available informal and formal resolution resources and resources for support and information for complainants and respondents.

2. Deans and heads of centers and departments are encouraged to discuss this policy and issues of sexual harassment at meetings of faculty and staff.

3. Training programs for faculty, staff and students who work in the College Houses and others who assist students in crisis situations and serve in an advisory capacity to students will include training
about referrals, resources and methods for handling complaints of sexual harassment.

4. Students will be provided with information about sexual harassment and available resources during new student orientations and throughout the academic year.

5. The University will publish this policy statement annually, including information about the resources available to advise, counsel and assist in the informal and formal resolution of sexual harassment complaints. Information will explain how and where to contact University-wide and school- and division-specific resources and will be posted on appropriate University websites. All members of the University community have a responsibility to aid in the prevention of sexual harassment and are encouraged to report concerns to appropriate University resources promptly.

F. Policy Against Retaliation

University policy expressly prohibits retaliation against faculty, staff or students who in good faith make reports of violations of this policy. In addition, knowingly and intentionally making a false report of a violation of this policy is prohibited. Members of the Penn community who take adverse action against someone who reports a violation of this policy, intimidate, threaten or otherwise engage in retaliation are subject to disciplinary action, up to and including termination of their employment or expulsion from the University.

1 The terms “harassment” and “sexual harassment” as used throughout are defined as a matter of University policy, and are not necessarily identical or limited to the uses of that term in external sources, including governmental guidelines, laws, regulations or legal decisions.

2 Where sexual harassment involves sexual violence, relationship violence, domestic violence and/or stalking, refer also to the University’s Sexual Violence, Relationship Violence and Stalking Policy.

(Source: Almanac, July 1, 2016, Supplement (http://www.upenn.edu/almanac/between/2016/070116-of-record.html))