

## I. Sexual Harassment Policy

For the purposes of University policy, the term “sexual harassment”<sup>1</sup> refers to any unwanted conduct that is based on an individual’s sex, sexual orientation, gender identity, 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 members of its community. Accordingly, as noted in the University’s *Handbook for Faculty and Academic Administrators*, *Human Resources Policy Manual*, *Pennbook* and other publications, persons engaged in such harassment 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 harassment and/or a violation of the University’s standards 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.

### A. Resources

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

#### 1. 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 support members of the University community 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* (resource for students, staff or faculty)
- *Counseling and Psychological Services*, including its *Sexual Trauma Treatment Outreach and Prevention* team also known as STTOP (resource for students),
- *Employee Assistance Program* (resource for staff or faculty)
- *Lesbian Gay Bisexual Transgender Center* (resource for students, staff or faculty)
- *Office of the University Chaplain* (resource for students, staff, faculty, post-doctoral and other trainees or visitors)
- *Office of the Ombuds* (resource for students, staff, faculty, post-doctoral and other trainees, or visitors)
- *Penn Violence Prevention* (resource for students)
- *Penn Women’s Center* (resource for students, staff or faculty)
- *Special Services Department*, Division of Public Safety (resource for students, staff, faculty, post-doctoral and other trainees or visitors)
- *Student Health Service* (resource for students)

<sup>1</sup> The terms “harassment” and “sexual harassment” are used throughout and are defined as a matter of University policy, and are not necessarily identical or limited to the uses of the term in external sources, including governmental guidelines, laws, regulations or legal decisions. 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. This Sexual Harassment Policy, Consensual Romantic & Sexual Relations in the Workplace and Educational Setting and the Sexual Violence, Relationship Violence and Stalking Policy are sometimes referred to together as the “Sexual Misconduct Policies.”

## 2. Informal and Formal Mechanisms for Complaint Resolution

If both parties agree and the AVP deems it to be an appropriate instance for an informal resolution of a complaint, the AVP will meet with the parties individually, and others as appropriate, in an effort to resolve the complaint. When informal resolution is not chosen, one of the parties is not satisfied with the results, or the proposed resolution is not appropriate, the formal mechanisms described below should be used.

### Complaints Against Faculty

Any member of the University community, visitor to campus or a participant in a University-sponsored activity may bring a complaint of sexual harassment, including romantic or sexual relationships in the educational setting or workplace, sexual violence, relationship violence, or stalking against a faculty member, instructor, postdoctoral fellow or other trainee, or teaching assistant. The complaint should be made to the AVP who will meet with the complainant, determine the appropriate process under University policy for investigation, and oversee that process. If a determination is made that the complaint involves a violation of the Sexual Violence, Relationship Violence and Stalking Policy, then the AVP will direct the process in accordance with the Procedures for Resolving Complaints of Sexual Misconduct Against Faculty. If a determination is made that the complaint involves a violation of the Sexual Harassment Policy (other than sexual violence or sexual assault), then the AVP will oversee the informal resolution or investigative process(es), advising the Dean of the applicable School that a complaint has been made and discussing any interim measures that may be needed. In either case, for Standing Faculty, the Procedure Governing Sanctions Taken Against Members of the Faculty, *Handbook for Faculty and Academic Administrators*, Part II.E.16, will be followed where applicable.

### Complaints Against Staff

Any member of the University community visitor to campus or a participant in a University-sponsored activity may bring a complaint of sexual harassment, including romantic or sexual relationships in the educational setting or workplace, sexual violence, relationship violence, or stalking against a staff member. The complaint should be made to the AVP who will meet with the complainant and coordinate with the Office of Staff and Labor Relations in the Division of Human Resources, as appropriate. If a determination is made that the complaint involves a violation of the Sexual Harassment Policy (other than sexual violence or sexual assault), then the AVP will oversee the informal resolution or investigative process(es), advising the Dean or Vice President of the applicable administrative Division that a complaint has been made and discussing any interim measures that may be needed. If a determination is made that the complaint involves a violation of the Sexual Violence, Relationship Violence and Stalking Policy, then the AVP will direct the process in accordance with the Procedures for Resolving Complaints of Sexual Misconduct Against Staff or the applicable collective bargaining agreement.

### Complaints Against Enrolled Students

Any member of the University community or a visitor to campus may bring a complaint of sexual harassment, including romantic or sexual relationships in the educational setting or workplace, sexual violence, relationship violence, or stalking against an enrolled student. The complaint should be directed to the AVP who will oversee the investigative and resolution process(es). If a determination is made that the complaint involves a violation of the Sexual Harassment Policy (other than sexual violence or sexual assault), then the AVP will oversee the informal resolution or investigative process(es), advising the Dean of the applicable School that a complaint has been made and discussing any interim measures that may be needed. If a determination is made that the complaint involves a violation of the Sexual Violence, Relationship Violence and Stalking Policy, then the AVP will direct the process in accordance with the Student Disciplinary Procedures for Resolving Complaints of Sexual Misconduct.

Members of the University community who would like assistance with making a formal complaint may contact any of the confidential resources identified above. As further set forth below, all formal complaints involving Sexual Misconduct are to be initiated by contacting the Associate Vice President for Equity and Title IX Officer (“AVP”) who will be responsible for deciding which investigative process to pursue.

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## **B. 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, Vice Presidents, Center Directors, and heads of departments should distribute this policy to faculty and staff and are encouraged to discuss the policy and issues of sexual harassment at meetings with faculty, staff, and students.

3. Training programs for faculty, postdoctoral fellows and other trainees, staff, students who work in the College Houses, and those who assist students in crisis situations, and/or 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 how and where to contact University-wide resource offices available to advise, counsel and assist in the informal and formal resolution of sexual harassment complaints. All members of the University community have a responsibility to aid in the prevention of sexual harassment and are encouraged to discuss concerns with the AVP or another of the University resource offices listed in the policy..

## **C. 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, intimidate, threaten or otherwise engage in retaliation against a person because they filed a complaint of sexual misconduct or served as a witness during an investigation are subject to disciplinary action, up to and including termination of their employment or expulsion from the University.