

NON-DISCRIMINATION AND HARASSMENT POLICY

1 - Policy Statement

Thaddeus Stevens College of Technology (the “College”) does not discriminate in its educational programs or employment practices based on race, color, national origin, sex, sexual orientation, gender identity, disability, age (as applicable), religion, ancestry, veteran status, , or any other legally protected classification. Announcement of this policy is in accordance with state and federal laws, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, as amended and other applicable laws and policies.

Announcement of this policy is in accordance with the Pennsylvania Department of Education and federal laws (see above). All inquiries or reports of harassment or discrimination should contact the Diversity, Equity, and Inclusion Office (717) 391-1365 on campus, or the Equal Education Opportunity Officer, Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717)787-1953.

The College is committed to protecting, maintaining, and encouraging both freedom of inquiry, teaching, service, and research. However, raising issues of academic freedom and freedom of expression will not automatically excuse behavior that constitutes a violation of this Policy or the law. The College will balance the enforcement of this Policy with freedom of speech and academic freedom.

The procedures, including the grievance process, set forth in this Policy apply when an employee, student (or applicant for admission) is either a Complainant or Respondent (as the terms are defined in this Policy).

2 - STATEMENT OF PURPOSE

The College’s Nondiscrimination Policy

establishes guidelines in accordance with the College’s obligations under federal and state nondiscrimination laws.

The purpose of this Policy provides for the orderly resolution of complaints of discrimination or harassment on the basis of race, color, ancestry or national origin, sex, sexual orientation, gender, gender identity, physical or mental disability, religion, age (as applicable), status as a protected veteran, or any other legally protected classification. Such discrimination and harassment are strictly prohibited by the College.

The purpose of this Policy is:

1. To promote an education and work environment that is free from all forms of harassment and discrimination, regardless of race, color, national origin, sex, sexual orientation, gender identity, disability, age (as applicable), religion, ancestry, veteran status, or any other legally protected classification.
2. To assure unlawful harassment or discrimination in any form is unacceptable and of particular concern to an academic community. Therefore, unlawful harassment or discrimination will not be tolerated. Those inflicting such behavior on others are subject to the full range of the College’s disciplinary actions, up to and including separation from the College, in addition to any legal action that may accompany such acts.
3. Students, faculty, staff, and all who conduct business on behalf of the College are permitted to file complaints under this policy against non-students. All complaints of discrimination and harassment against students should be filed with the Diversity, Equity, and Inclusion Office.

3 - APPLICABILITY

This Policy applies when:

1. Any employee or student who witnesses or has been subjected to discrimination or harassment on the basis of race, color, national origin, sex, sexual orientation,

gender identity, disability, age (as applicable), religion, ancestry, veteran status, or any other legally protected classification;

2. Any former employee or student who witnesses or has been subjected to discrimination or harassment on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age (as applicable), religion, ancestry, veteran status, or any other legally protected classification, if the conduct took place during the time of employment or enrollment at the College;
3. Any employee or student who has knowledge of discrimination or harassment on the basis that apply to the College, against another employee or student, in order to report such offenses; and,
4. All third parties with whom the College has an educational or business relationship who witnesses or has been subjected to discrimination or harassment on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age (as applicable), religion, ancestry, veteran status, or any other legally protected classification, and/or any other category protected that applies to the Thaddeus Stevens College of Technology when the conduct has a reasonable connection to the College.

This Policy applies to all College programs and activities, including, but not limited to, discrimination and harassment in instruction, grading, athletics, College housing, programs and activities, and College employment when:

1. The alleged violations occur on College owned, leased, or otherwise controlled property, while participating in College affiliated programs;
2. The alleged violations occur off campus, and the conduct impairs, interferes with, or obstructs any College activity or the mission, processes, and functions of the College;

This policy also applies to any off-campus behavior that affects a substantial College interest. A substantial College interest is:

1. Any situation where a student's conduct may present a danger or threat to the health or safety of others;
2. Any situation that significantly impinges upon the rights, property, or achievements of others;
3. Any situation that is detrimental to the educational mission and/or interests of the College.

This policy shall not be construed or applied to restrict academic freedom, nor shall it be construed to restrict constitutionally protected expression.

4 - DEFINITIONS

Complainant: An individual making a complaint of discrimination and/or harassment.

Respondent: An individual who is alleged in a complaint to have violated the policy prohibiting discrimination and/or harassment.

Discrimination: Treating an individual differently or less favorably or engaging in conduct that denies an individual the opportunity to participate in or benefit from a College program or activity, or otherwise adversely affects a term or condition of an individual's employment, education, or living environment, because of the individual's race, color, national origin, sex, sexual orientation, gender identity, disability, age (as applicable), religion, ancestry, veteran status, or any other legally protected classification. Unlawful discrimination under any local, state, or federal law.

Harassment: Unwelcome verbal or physical behavior which is directed at a person based on a protected characteristic, when these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, or working conditions, by creating an intimidating, hostile, or offensive learning or working environment.

Examples of conduct that can constitute harassment if based on an individual's protected characteristic include but are not limited to:

1. Unwelcome comments or jokes about a legally protected characteristic (e.g., racial, or ethnic jokes);
2. Disparaging remarks to a person about a legally protected characteristic (e.g., negative, or offensive remarks or jokes about a person's religion or religious garments);
3. Displaying negative or offensive posters or pictures about a legally protected characteristic;
4. Communications, including those conveyed in person, mail, electronically, such as by e-mail, telephone or voicemail, text messaging, or social media or other internet use.
5. Behavior that is sufficiently serious (severe, pervasive, and objectively offensive) to effectively deny or limit a person's ability to participate in, or benefit from, the College's programs, activities, services, or opportunities;
6. Is used as a basis for, or factor in, decisions that tangibly affect that individual's education, employment, or participation in the College's activities, learning or working environment.

Retaliation: Actions taken against the Complainant for: reporting discrimination and harassment; filing a complaint of discrimination or harassment; or participating in, or refusing to participate in, the investigation, grievance, or other procedures of this Policy. Retaliation is also prohibited against persons who assist others in bringing a complaint of discrimination or harassment by offering advice and moral support or by giving testimony or documentary evidence in response to a complaint.

Prohibited retaliation includes conduct that may reasonably be viewed as:

1. An adverse employment action;
2. An adverse action relating to participation in an educational program;

3. Unreasonably interfering with the academic or professional career of another individual;
4. Engaging in conduct which constitutes stalking, harassment, or assault;
5. Engaging in efforts to have others engage in retaliatory behavior on one's behalf.
6. Engaging in efforts that affect or discourage a person from filing a report or complaint of discrimination or harassment or participating in an investigation or other proceedings under this Policy, or, reporting to or participating in procedures with any other local, state, or federal complaint process, such as filing a complaint with the Equal Education Opportunity Officer, Pennsylvania Department of Education.
7. Retaliation that also includes, but is not limited to, acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under this Policy.
8. Prohibited retaliation against a person who reasonably protests discrimination or harassment practices within the College.

The College will not charge an individual under a separate policy or Code of Conduct for conduct arising out of the same facts or circumstances reported as discrimination or harassment for purposes of interfering with non-discrimination protections. The College will attempt to keep confidential the identity of complainants, respondents, and witnesses, except as may be required by law, permitted under FERPA, or deemed necessary to carry out the non-discrimination process.

5 - PROCEDURES FOR REPORTING DISCRIMINATION

Students and employees who believe that they are being harassed or discriminated against regarding any of the above, should contact one of the following:

1. **Office of Diversity, Equity, and Inclusion**
(717)-391-1365
2. **Office of Human Resources**
(717) 391-6935
3. **Office of the Dean of Students**
(717) 299-7794

The following procedures are intended to protect the rights of the reporting party, as well as the party whom a complaint of harassment or discrimination is reported against. Each complaint will be investigated, and appropriate action will be taken.

Reports under this policy should be brought as soon as possible after the alleged conduct occurs. Prompt reporting will enable the College to investigate the facts, determine the issues, and provide an appropriate remedy or personnel action.

5.1 – Reporting and Filing Complaints of Discrimination or Harassment

Any incident of unlawful discrimination or harassment in violation of this Policy must be reported to the appropriate College official, Dean of Students, Human Resources or Diversity, Equity, and Inclusion. Forms and procedures for reporting these complaints of discrimination or harassment are available in each of these offices or online at: [TSCT Portal](#)

5.2 – Additional Information on Reporting

Confidential Employees: Professional licensed counselors, health services professional, and pastoral counselors who provide health, and counseling services to members of the College community are *not permitted* to report any information without the victim's permission.

Timing. There is no time limit for reporting prohibited conduct to the College under this Policy; however, the College's ability to respond

may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the College.

Office for Civil Rights. In addition to the procedures in this Policy for reporting, individuals may also contact the Office for Civil Rights (OCR):

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

Fax: 202-453-6012

TDD: 800-877-8339

Email: OCR@ed.gov

6 – COLLEGE RESPONSE

Upon receiving notice of potential discrimination, harassment, or retaliation the College will promptly respond to Complainant to investigate the complaint.

The College may respond as follows:

1. In situations that require urgent attention, because of safety or other concerns, the College will take immediate administrative actions pending the outcome of the investigation.
2. In situations that do not require urgent attention, the appropriate responder, Dean of Students, Human Resources or, Diversity, Equity, and Inclusion will respond.
3. The College will follow the grievance process set forth in this Policy before the imposition of any disciplinary sanctions or other actions against a Respondent.
4. The College will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with discrimination, harassment, or retaliation.
5. The College will investigate discrimination, harassment, or retaliation

allegations in a Complaint filed pursuant to this Policy.

The College should respect a Complainant's wishes with respect to whether it investigates the reported incident wherever possible unless it is determined by the College official that signing a Complaint to initiate an investigation over the wishes of the Complainant is not clearly unreasonable, considering, the known circumstances. The College reserves the right to investigate any issues regarding potential violations of College policy or applicable law.

At the time of filing a Complaint, a Complainant must be an employee, a student or attempting to participate in an education program or activity of the College to implicate the College's nondiscrimination complaint and investigation process.

7 – COMPLAINT AND INVESTIGATION PROCESS

7.1 – Complaint of Discrimination or Harassment

As explained in Section 5 above, reports of discrimination or harassment may be made by anyone, including anonymously, to the appropriate College officials (Dean of Students; Human Resources; Diversity, Equity, and Inclusion). If that occurs, the College official will promptly review the allegations to determine if they may constitute discrimination or harassment in violation of this Policy that may warrant the filing of a Complaint.

A **Complaint** may be filed with the College in person, **by online portal**, mail, or by electronic mail, by using the contact information listed in this Policy for the Dean of Students, Human Resources or Diversity, Equity, and Inclusion offices. The College reserves the right to redirect complaints to what it deems to be the appropriate office or department under the circumstances.

7.2 – Notice of Allegations

Upon receiving a Complaint, the College will complete a prompt, fair, and impartial investigation of the allegations. The College's

complaint and investigation process is intended to be an equitable process. **Respondents are presumed not responsible** for the alleged conduct and no determination regarding responsibility will be made until the conclusion of the process. The investigation will be handled by an investigator(s) appointed by the College.

The Respondent and Complainant will be promptly provided with a **“Notice of Allegations”**. At a minimum, such Notice shall include the allegations of conduct potentially constituting discrimination or harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Such details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting discrimination or harassment, and the date and location of the alleged incident, if known. The Notice will include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the investigation process. The Notice will also inform the parties that they may each have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.

The Notice will also inform the parties that knowingly making false statements to college officials during the course of the investigation may be referred for review and result in disciplinary action under the Student Code of Conduct or Human Resources as appropriate.

The Notice of Allegations shall be provided as soon as reasonably practicable, but no more than seven (7) College Days after the receipt of a Complaint.

7.3 – Investigation by the College

An investigation shall be promptly conducted by the College, or as soon as reasonably possible, through one or more investigators who will not have a conflict of interest in the matter. The College may utilize an independent investigator when deemed appropriate and has complete discretion to do so. When investigating a

Complaint (and throughout the entire investigation process), the College will:

1. Ensure that the burden of gathering evidence is on the College and not on the parties;
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. The parties will have the same opportunities to have an advisor present during any investigation proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice; *the advisor may not serve as a witness for the investigation and may not speak on behalf of the complainant or respondent in any meeting or investigation proceeding;*
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate;
6. Prior to the completion of the investigative report, the College will invite each party to submit any supplemental written statements and evidence, and the parties will be given at least seven (7) calendar days to submit said information, which the investigator will consider prior to completion of the investigative report.
7. The investigation stage of the process, ending with the issuance of the investigative report shall be completed in no more than sixty (60) College Days, but may be extended in intervals of fourteen (14) College Days, with written notice explaining the reason for the extension.

7.4 – Options for Informal Resolution after Complaint is Filed

An informal resolution process may be used only when both the Complainant and Respondent voluntarily agree to participate, and only after a Complaint has been filed. If the parties elect to proceed with an offered informal resolution process, this process would be in lieu of the Formal Investigation Process. No one can be forced to go through the informal resolution process.

If an informal resolution option is offered by the College, both parties, prior to making a decision on whether to participate in the informal resolution process, will be provided with written notice describing the process and implications of participating. The notice will describe the allegations against the Respondent. It will also describe the informal resolution process, including the right of either party at any time prior to the voluntary agreement to a resolution to withdraw from the informal resolution process and require the matter to resume under the Complaint and Investigation Process.

If in a particular case expulsion is a proposed sanction, it, like all other potential outcomes, can only occur if both parties agree to it as part of resolution.

Any mediators or other individuals offered by the College to facilitate an informal resolution process will be trained, including with respect to, among other things, the definition of discrimination and harassment, how to conduct the process, and how to avoid conflicts of interest and bias in discharging their duties.

An informal resolution process shall be completed within sixty (60) College Days of the agreement of all parties to use the informal resolution process unless an extension of time is agreed to by all parties. If either party withdraws from the informal process, or no mutually agreeable resolution can be reached during the timeframe for the informal resolution process, the formal investigation process shall resume. (The time frames applicable to the formal investigation process shall be put on hold during any informal

resolution process and shall restart if the informal resolution process is terminated without an agreed upon resolution.)

7.5 – Dismissal of Complaint

If conduct alleged in the Complaint would not constitute discrimination or harassment, even if proven, or falls outside of this Policy, then the College will dismiss the Complaint with regard to that conduct for purposes of discrimination or harassment under this Policy and refer the complaint to the appropriate College official, *i.e.*, the Offices of the Dean of Students, Human Resources or Diversity, Equity and Inclusion as appropriate to be reviewed under the Student Code of Conduct or Human Resources policies.

In addition, the College **may dismiss** a Complaint or any allegations therein, if at any time during the investigation a Complainant notifies the investigator in writing that the Complainant would like to withdraw the Complaint or any allegations therein; the Respondent is no longer enrolled at or employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein.

An **appeal** may be made by either party from a dismissal of a Complaint or any allegations therein within the timeframe and on any of the three grounds specified in the Appeals section of this Policy.

7.6 – Determination of Responsibility

Following the investigation, the investigator shall issue a **written determination** of responsibility or non-responsibility. The written determination shall be issued as soon as reasonably practicable at the conclusion of the investigation, but not later than ten (10) College Days after the close of the investigation.

The written determination will include at minimum the following items:

1. An identification of the allegations potentially constituting discrimination or

- harassment;
2. A description of the procedural steps taken from the receipt of the Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the appropriate College policy to the facts in the event that the College exercises its discretion to apply any College policies and procedures not otherwise required under discrimination or harassment;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College’s education program or activity will be provided by the College to the Complainant; and
6. The applicable procedures and permissible bases for the Complainant and Respondent to appeal (as described below).

7.7 – Appeal

Either the Complainant or the Respondent may appeal from either a (1) determination of responsibility/non-responsibility or (2) dismissal of a Complaint or any allegations therein, by filing a Notice of Intent to Appeal on the following three grounds, and no other grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
3. The investigator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Any such *Notice of Intent to Appeal* must be filed by either party within **two (2) College Days** of the issuance of a determination regarding responsibility/non-responsibility or the dismissal of a complaint.

The Notice of Intent to Appeal must be followed **within three (3) additional College Days** by the filing of a detailed written *“Statement of Appeal”* identifying grounds for appeal and explain with specificity the facts supporting the basis of the appeal.

Failure to timely file either the Notice of Intent to Appeal or the Statement of Appeal will result in the appeal being dismissed.

The College will immediately provide a copy of any Notice of Intent to Appeal and of the appealing party’s Statement of Appeal to the non-appealing party. **The non-appealing party will have five (5) College Days** from the date the appeal was sent to the party’s College email, if desired, to submit a written *“Response to Statement of Appeal.”* If such Response to Statement of Appeal is filed, a copy will be immediately provided by the College to the appealing party, but the appealing party shall not have the right to submit an additional statement.

Notices of Intent to Appeal, Statements of Appeal, and Responses to Statements of Appeal must be **submitted in writing to:**

**Pedro Rivera, President
Office of the President
Mellor Building
Thaddeus Stevens College of Technology
750 East King Street
Lancaster, PA 17602**

The President or President’s designee will review the appeal, including all party submissions, and issue a written decision to all parties involved within thirty (30) College Days, or as soon as is reasonably possible, but not later than forty-five (45) days after receipt of the written Notice of Intent to Appeal.

This is the final step in the College’s Formal Complaint procedure.

8 - DISCIPLINARY ACTIONS

Employees and students who violate this Policy are subject to appropriate discipline by the College. If an investigation results in a finding of responsibility that this Policy has been violated, the mandatory minimum discipline is a written reprimand.

Upon the finding of a serious violation of this Policy, the College reserves the right to take disciplinary measures, up to and including, termination of employment, expulsion or suspension, removal from campus, cancellation of contract, and any other appropriate actions necessary to address the violation.

Appropriate disciplinary actions shall be taken against any person found to have participated in any acts of retaliation. Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint regarding a violation of this Policy will be treated as a separate and distinct violation of the Policy. Specifically:

1. A student found to have retaliated in violation of this Policy shall be subject to discipline up to, and including, suspension and/or expulsion.
2. A College employee found to have retaliated in violation of this Policy shall be subject to discipline up to, and including, termination of employment.
3. A College non-employee found to have retaliated in violation of this Policy shall be subject to measures up to, and including, exclusion from a College relationship and College grounds.
4. Persons who violate this Policy may also be subject to civil damages or criminal penalties.

9 - SUPPORTIVE MEASURES

Supportive measures by the College may include, but may not be limited to:

1. Providing escorts to ensure that individuals can safely move between classes and activities;

2. Where possible and as appropriate, assure that the Respondent and Complainant do not attend the same classes;
3. Moving the Complainant and/or Respondent to a different residence hall;
4. Providing counseling services for the Respondent and Complainant;
5. Providing academic support services, such as tutoring to the Respondent and Complainant.
6. The College may also provide remedies for the broad College community, including additional training and education.

10 - EDUCATION AND PREVENTION

10.1 – Generally

Education is an essential component in the prevention and elimination of discrimination and harassment. To accomplish an adequate non-discrimination and harassment educational program, the College shall:

1. Educate members of the College community on what constitutes prohibited conduct under this Policy.
2. Inform members of the College community of this Policy and training programs to assure their implementation.

10.2 Training

The Diversity, Equity and Inclusion Officer shall oversee and coordinate training regarding discrimination and harassment prevention education.

10.3 Dissemination of the Policy

A copy of this Policy shall be distributed throughout the campus and shall be published on the College’s website.

10.4 Public Notification of Clery Act Statistics

To the extent required by law, including the Clery Act, the College shall collect and annually report statistical information concerning discrimination

and harassment reports (Hate Crimes) occurring within its jurisdiction. To promote public safety, the College will alert the campus community of incidents and developments of immediate concern.

10.5 Resources

Information on Counseling and Victim Services: For further information on the counseling services available to student victims of discrimination and harassment, contact:

Counseling Services:

717-299-7408

Health Services:

717-299-7769 (Main Campus)

717-606-1560 (Branch Campus)

717-606-1561

Employee Assistance Program:

1-800-692-7459

10.6 Recordkeeping

The College shall maintain for a period of seven (7) years records of:

1. Each discrimination and harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on respondents, and any remedies provided to the complainants designed to restore or preserve equal access to the recipient’s education program or activity;
2. Any appeal and the result of the appeal;
3. Any informal resolution and the results;
4. Any actions, including supportive measures, taken in response to a report or formal complaint of discrimination or harassment, as well as documentation of the basis for the College’s conclusions and measures taken.

10.7 Questions/Contact

If you have questions or are concerned that the College has not met its obligation under this Policy, please contact the Diversity, Equity, and Inclusion Office.

**Thaddeus Stevens College of Technology Student/Employee
Discrimination and Harassment Reporting Form:**

Name: _____

Local Address: _____

Work Phone: _____ Local Phone: _____ Cell Phone: _____

Date of Incident: _____ Time of Incident: _____ AM /PM

Location of Incident:

Identify the name(s) of the individual(s) against whom you are submitting this complaint:

Please describe the nature of the incident, providing as much detail as possible to assist with the investigation of this complaint.

Please provide the names and contact information of any witness(es).

Name/Status	Address	Telephone #
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If additional space is required, please use an additional form, and just provide your name in the top section of the form)

Acknowledgement: By signing this form I understand that this complaint will be investigated, and the alleged harasser(s), any witnesses, and persons of interest will be interviewed. The information provided in this Sexual Harassment Reporting Form is true and accurate to the best of my knowledge.

Complainant

Date

Special Note: Discrimination and Harassment [should be reported to the Office of Diversity, Equity and Inclusion in the Mellor Building (lower level) or at: 717-391-1365.