

POLICY STATEMENT ON DISCRIMINATORY HARASSMENT

Prohibition of Sexual and Discriminatory Harassment

It is the policy of Muhlenberg College to provide an environment free from any form of sexual or discriminatory harassment. This policy applies to all College full and part-time employees, including management, staff, faculty, and support personnel and to all College students, contractors and consultants. All who work at the College are responsible for ensuring that the work and academic environment is free from discriminatory practices, including sexual harassment.

Specifically, the College expressly prohibits any form of unlawful harassment of its employees or students based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status or any other basis protected by applicable federal, state or local laws. Sexual and other forms of discriminatory harassment are unacceptable conduct, whether on the College's premises or in other College related activities and settings, and will not be tolerated by the College. Discriminatory harassment in the workplace is also prohibited by law.

Definition and Examples of Sexual and Discriminatory Harassment

For the purpose of this policy, the term "sexual harassment" includes any unwelcome or unwanted sexual attention, sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature or other offensive behavior directed toward an employee or student because of or on account of his or her gender or gender identity, whether by a person of the opposite or same gender, when:

1. submission to or rejection of such conduct by an individual is used as a basis or factor in decisions affecting the terms or conditions of employment or education of any individual; **or**
2. submission to or rejection of such conduct by an individual is used either explicitly or implicitly as a basis for academic or employment decisions affecting that individual; **or**
3. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance; **or**
4. such conduct creates an intimidating, hostile or offensive academic, employment, educational or living environment.

Examples of the types of conduct that constitute sexual harassment include, but are not limited to: threatening adverse employment or academic actions if sexual favors are not granted; unwanted and unnecessary physical contact; demands for sexual favors in exchange for favorable treatment or continued employment; display of pornographic material; excessively offensive remarks, including unwelcome graphic or suggestive comments about an individual's body, appearance or dress, obscene jokes or other inappropriate use of sexually explicit or offensive language; the display in the workplace of sexually suggestive objects or pictures which create an intimidating or hostile work environment; and other unwelcome and unwanted conduct of a sexual nature, such as leering, name calling and sexual innuendoes.

Examples of the types of conduct, when done in isolation, that generally will not constitute sexual harassment include, but are not limited to: simple teasing, offhand comments, and joking which does not include sexual innuendo.

For purposes of this policy, “discriminatory harassment” includes any unwelcome or unwanted attention, and other verbal, visual, or physical conduct or other form of offensive behavior directed toward an employee because of or on account of his or her race, color, religion, national origin, age, disability, gender, gender identity, sexual orientation, veteran status, (or such conduct or behavior that may be offensive on the basis of race, color, religion, national origin, age, disability, gender, gender identity, sexual orientation, or veteran status and to which an employee may be exposed, directly or indirectly) when:

1. submission to or rejection of such conduct by an individual is used as a basis or factor in decisions affecting the terms or conditions of employment of any individual; **or**
2. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s work performance; **or**
3. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance; **or**
4. such conduct creates an intimidating, hostile or offensive work environment.

Examples of the types of conduct that constitute discriminatory harassment include, but are not limited to: any form of discriminatory treatment based on race, color, religion, national origin, age, disability, gender, gender identity, sexual orientation, veteran status; communication or display of offensive material capable of a stereotypical or discriminatory meaning; offensive remarks containing stereotypical or discriminatory references, including unwelcome comments about an individual’s body, appearance, manner, speech or dress capable of a stereotypical or discriminatory meaning; racial, religious, ethnic or other stereotypical or discriminatory jokes or other inappropriate use of racial, religious, ethnic or other discriminatory language capable of a stereotypical or discriminatory meaning; the display in the workplace of objects, drawings or pictures which create an intimidating or hostile work environment; and other unwelcome and unwanted conduct of a stereotypical or discriminatory nature, such as name calling and racial, religious or ethnic innuendoes.

Coverage

This policy covers all College students and employees without exception. The College will not tolerate, condone, or allow discriminatory harassment, whether engaged in by faculty, students, fellow employees, supervisors, managers, customers, vendors or other non-employees who conduct business with the College. The College encourages the reporting of all incidents of harassment, regardless of who the offender may be.

Open-Door Complaint Procedure

The College encourages individuals who are being unlawfully harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. In the event that such informal, direct communication between individuals is either ineffective or too difficult, the following steps should be followed in reporting a discriminatory harassment complaint.

Anyone who feels that he or she has been subjected to harassment in violation of this policy, or has been retaliated against for making a report of discriminatory harassment or for providing information concerning an act of discriminatory harassment shall promptly report the incident, either verbally or in writing. A faculty or staff member should report matters of alleged discriminatory harassment directly to the Vice President of Human Resources or the Provost. In addition, a student may report matters of alleged discriminatory harassment directly to the Dean of Students.

All reports of discriminatory harassment will be documented in writing by the person receiving the complaint and signed by the complainant. The full and complete cooperation of the complainant is vitally necessary for the prompt and effective investigation and remediation of all harassment, discrimination or retaliation complaints.

The Vice President of Human Resources, the Provost, and the Dean of Students or other senior management official, will investigate all allegations of discriminatory harassment in as thorough, prompt, and confidential a manner as is reasonably possible. The College will undertake all investigations with due regard to the privacy of all parties involved consistent with a thorough and appropriate investigation. Where necessary, the College will engage a lawyer or consultant to investigate the complaint and provide guidance in handling the matter.

Resolving the Complaint

Upon completing the investigation of a discriminatory harassment complaint, the College will communicate its findings and intended action to the complainant and to the alleged harasser.

If the College determines after an investigation that there is no substantial basis to conclude that there has been discriminatory harassment in violation of this policy, the College will inform the complainant and the accused.

If the College determines after an investigation that there is a substantial basis to conclude that there has been discriminatory harassment in violation of this policy, appropriate disciplinary action will be taken, commensurate with the College's judgment as to the seriousness of the particular offense, up to and including termination of employment or expulsion from the College. Although penalties may differ for students and employees, disciplinary action may include one or more of the following: a verbal and written reprimand; referral to counseling; withholding of a promotion; reassignment; temporary suspension without pay; suspension from classes and student activities; financial penalties; and termination or expulsion.

The College's ability to discipline a non-employee harasser is limited by the degree of control, if any, that the College has over the alleged harasser. Any employee or student who has been subjected to employment or academic related discriminatory harassment by a non-employee should file a complaint.

Retaliation Prohibited

The College will not retaliate against an individual who makes a report of discriminatory harassment or provides information concerning an act of discriminatory harassment, nor permit any other employee or student to do so. Retaliation is a serious violation of this policy. Any acts of retaliation or threatened retaliation should be reported immediately. Any person found to have retaliated against another individual for reporting discriminatory harassment will be subject to appropriate sanctions, including all of the same disciplinary actions noted above for discriminatory harassment offenders.