



PENN STATE - ADMINISTRATIVE

Policy AD41 SEXUAL HARASSMENT

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PURPOSE:

To establish the University's policy prohibiting sexual harassment.

POLICY:

Sexual harassment of faculty, staff or students is prohibited at The Pennsylvania State University. It is the policy of the University to maintain an academic and work environment free of sexual harassment. Sexual harassment violates the dignity of individuals and impedes the realization of the University's educational mission. The University is committed to preventing and eliminating sexual harassment of faculty, staff and students through education and by encouraging faculty, staff and students to report any concerns or complaints about sexual harassment. Prompt corrective measures will be taken to stop sexual harassment whenever and wherever it occurs.

DEFINITIONS:

Sexual harassment has been defined by the U.S. Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is a condition for employment, promotion, grades or academic status;
2. submission to or rejection of such conduct is used as the basis for employment or academic or other decisions affecting an individual;
3. such conduct has the purpose or effect of interfering unreasonably with the individual's work or academic performance or creates an offensive, hostile, or intimidating working or learning environment.

CONSENSUAL RELATIONSHIPS:

Romantic and/or sexual relationships between faculty and students, staff and students or supervisors and subordinate employees are strongly discouraged. Such relationships have the potential for adverse consequences, including the filing of charges of sexual harassment. Given the fundamentally asymmetric nature of the relationship where one party has the power to give grades, thesis advice, evaluations, recommendations, promotions, salary increases or performance evaluations, the apparent consensual nature of the relationship is inherently suspect.

Even when both parties have consented to the relationship, there may be perceptions of conflicts of interest or unfair treatment of others. Such perceptions undermine the atmosphere of trust essential to the educational process or the employment relationship. Under such circumstances, the person in the position of supervision or academic responsibility must report the relationship to his or her immediate supervisor. Once the consensual relationship is reported, the immediate supervisor is responsible for eliminating or mitigating the conflict of interest to the fullest feasible extent and ensuring that fair and objective processes are in place for decisions relative to grading, thesis advice, evaluations, recommendations, promotions, salary increases or performance evaluations. The new supervisory or academic arrangement should be documented.

RESOLUTION OF SEXUAL HARASSMENT COMPLAINTS:

The Affirmative Action Office has primary responsibility for resolving sexual harassment complaints. In addition, vice presidents, deans, campus executive officers, and provosts/deans will designate one or more individuals in their areas as resource persons to assist in resolving complaints of sexual harassment from faculty, staff and students. Also, the Campus Life Assistance Center will designate a staff member to receive complaints from students. The Affirmative Action Office will ensure resource persons receive the necessary training and support to handle their responsibilities.

Any member of the University community who experiences sexual harassment should immediately report the incident to the Affirmative Action Office, or alternatively, to a Sexual Harassment Resource Person (SHRP), the Office of Human Resources, the Division of Student Affairs, the Office of Educational Equity, or an administrator or faculty member in his or her department or unit. In all cases where the incident is not initially reported to the Affirmative Action Office, the person receiving the complaint will contact the Affirmative Action Office to discuss resolution and ensure consistent responses to issues across units.

The University will make every reasonable effort to promptly investigate and resolve complaints of sexual harassment, with due regard for fairness and the rights of both the complainant and alleged offender, and to conduct all proceedings in the most confidential manner possible. If unsuccessful at resolving the issue informally, the Affirmative Action Office may investigate to gather information necessary to reach a formal determination on the merits of the allegations. Investigations will include notifying the alleged offender of the complaint and providing an opportunity to respond to the allegations.

If there is evidence of sexual harassment, the University will make every reasonable effort to ensure the harassment immediately stops and does not recur. The complainant will be informed of the corrective measures taken.

DISCIPLINARY SANCTIONS:

Disciplinary sanctions for violation of this policy, which may range from a disciplinary warning to termination or expulsion from the University, will be imposed in accordance with applicable University policies.

Retaliation constitutes a separate violation and may result in a sanction independent of the outcome of a complaint.

CROSS REFERENCES:

Other Policies in this Manual should also be referenced, especially the following:

[AD29](#) - Statement on Intolerance,

[HR01](#) - Fair Employment Practices,

[HR11](#) - Affirmative Action in Employment at The Penn State University,

[HR76](#) - Faculty Rights and Responsibilities, and

[HR79](#) - Staff Grievance Procedure.

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Most recent changes:

- June 25, 2007 - Changes to RESOLUTION OF SEXUAL HARRASSMENT COMPLAINTS section.

Revision History (and effective dates):

- January 1, 2007 - Clarification of existing policy and practice in DISCIPLINARY SANCTIONS section, as approved by the President's Council.
- January 3, 2000 - Changes made to Resolution of Complaints section.
- September 21, 1998 - New sections: Consensual relationships an Disciplinary Sanctions consolidated from ADG03.
- September 18, 1998 - New Policy.

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