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# Discrimination and Harassment Policy

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[Discrimination and Harassment Policy](#)

## Policy Statement:

East Stroudsburg University seeks to provide an academic and work environment that is free from discrimination and harassment against any person because of race; color; national origin; religion; ancestry; sex; disability; age; marital status; familial status; sexual orientation; gender identity and expression; genetic information; status as a veteran or any other characteristic prohibited under applicable federal or state law (hereinafter "protected categories").

While the University is committed to the principles of free inquiry and free expression, discrimination and harassment identified in this policy is neither legally protected expression nor the proper exercise of academic freedom.

Discrimination and harassment are prohibited and subject to disciplinary action up to and including termination or expulsion from the University.

Any member of the University community who experiences discrimination or harassment prohibited under this policy should immediately report the incident to the Office of

## POLICY HISTORY

**Policy Number:**

ESU-2011-06

**Policy Number History:**

Formerly PO-2011-002

**Effective:**

December 17, 1987

**Adopted:**

May 25, 2011

**Last Reviewed:**

May 25, 2011

**Amended:**

June 25, 2021

Office of Human Resource Management, or in the case of a complaint against a student, the Office of the Vice President for Campus Life and Inclusive Excellence.

In cases where an individual reports discrimination or harassment prohibited under this policy to an administrator, faculty member, or staff member, the person receiving the complaint should contact the Office of Human Resource Management, or in the case of a complaint against a student, the Office of the Vice President for Campus Life and Inclusive Excellence.

Note: Discrimination and harassment are currently prohibited under federal law by Titles IV, VI and VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972 and under state law by the Pennsylvania Human Relations Act.

Other statutes that may be involved in this area are the Americans with Disabilities Act and the Age Discrimination in Employment Act.

Applicability of any of these statutes to the University is subject to future legislative or court actions.

**Enforcement:** The University will take action to prevent prohibited discrimination and harassment, including, if necessary and as appropriate, disciplining any individual whose behavior violates this policy.

Disciplinary action for violation of this policy may range from a disciplinary warning to expulsion or termination from the University.

**Retaliation:** No retaliatory action is to be taken against any person seeking advice, filing a complaint or serving as a witness or otherwise cooperating in an investigation of discrimination or harassment.

Any person found to have engaged in retaliatory action may be subject to discipline by the University.

Retaliation is considered a separate offense from the original complaint, regardless of the outcome of the original complaint.

Anyone who believes they have experienced retaliation should promptly contact the Office of Diversity & Equal Opportunity.

**False Charges:** Accusations of discrimination and harassment are serious matters. False accusations will not be tolerated and may result in disciplinary action independent of the outcome of a complaint.

The University may also take disciplinary action against someone who knowingly provides false information during the investigation of a complaint of discrimination or harassment.

**Related Policies:**

 [Merit Principles](#),  
[Veteran's Preference](#);  
[Sexual Misconduct Policy](#)

**Training:** In keeping with the State System Board of Governor's Policy 2009-03-A:

 Non-Discrimination Policy, the University recognizes a mandatory obligation to conduct discrimination and harassment prevention training on a yearly basis for all employees, in addition to providing training for new student and employee orientations.

All faculty, staff, and administrators are required to participate in this training within 60 days of commencing employment and at least yearly thereafter.

Training will be available in both classroom format and online.

**Additional Rights:** Individuals are encouraged to use the procedures for filing a discrimination, harassment or sexual harassment complaint but are not required to do so and may choose to pursue other civil and legal options.

University employees may choose to pursue the complaint through their appropriate collective bargaining agreement grievance procedures.

Students and employees may choose to make use of the procedures of external agencies listed in the Procedures for Nondiscrimination and Harassment.

Managers are encouraged to pursue complaints through the merit principle procedures, set forth in State System Board of Governors Policy 1983-01-A:  Merit Principles, before proceeding to an external agency.

The procedures for filing a discrimination, harassment or sexual harassment complaint are not intended to interfere with any legal rights provided under the statutes of the Commonwealth of Pennsylvania or the United States of America, or interfere with any rights an employee may have under their appropriate collective bargaining agreement.

## **Appeal Statement:**

Not Specified in Current Policy

## **Definitions:**

Under this policy, the definitions of discrimination and harassment are intended at all times to be construed in accordance with applicable laws.

**Harassment and discrimination** to include discrimination and harassment on the basis of race; color; religion; national origin; ancestry; sex; age; marital status; familial status; sexual orientation; gender identity and expression; genetic information; disability; status as a veteran; or any other characteristic prohibited under applicable federal or state law (hereinafter "protected categories")

Not every act that might be offensive to an individual or a group will be considered as harassment.

Whether an environment is "hostile" or "abusive" can be determined only by looking at all circumstances.

These may include the frequency of the harassing conduct; its severity; whether it is physically threatening or a mere offensive utterance; and whether it unreasonably interferes with an employee's or student's performance.

**Discrimination:** is an adverse employment action or decision that occurs on the basis of race; color; religion; national origin; ancestry; sex; age; marital status; familial status; sexual orientation; gender identity and expression; genetic information; disability; status as a veteran; or any other characteristic prohibited under applicable federal or state law.

**Accuser:** the individual(s) alleging the occurrence of discrimination or harassment.

**Accused:** the individual(s) against whom a complaint of violation of this policy is made.

## Other Relevant Information:

[Discrimination and Harassment Procedures](#)

## EXPLORE MORE

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The Office of the President should be contacted with questions concerning this website or the policies listed on it.

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