

## STAFF NON-DISCRIMINATION/NON-HARASSMENT POLICY

### **Policy**

Haverford College is committed to providing an employment and educational environment free from all forms of unlawful discrimination because of race, color, sex/gender (including pregnancy, childbirth, related conditions, and lactation), religion, age, national origin, ancestry, citizenship, disability, status as a medical marijuana cardholder, genetic information, gender identity or expression, sexual orientation, current or past membership or service in the U.S. Armed Forces or a state military unit, or any other characteristic protected by law. This policy applies to all aspects of the employment relationship, such as recruitment, selection, training, promotion, salaries, benefits, discipline, terminations, and all other terms and conditions of employment. The policy also applies to all aspects of a student's educational relationship with the College. In accordance with this policy, the College endeavors to make reasonable accommodations where required because of an individual's religion or disability.

The College's policy also includes a prohibition against sexual harassment and harassment on account of any protected category. It applies to all discrimination and/or harassment arising out of the College's employment and educational environment, whether on campus, outside work assignments, or elsewhere. It applies to all members of the College community, including interactions among current and potential employees of the College, as well as interactions among employees and students. It applies to vendors and other third parties who are present on or visit the campus or who interact with members of the College community in connection with College activities. It governs all activity and forms of communication, including the use of telecommunications and computer devices and systems.

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

- submission to such verbal or physical conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
- submission to or rejection of such verbal or physical conduct is used as the basis for employment decisions affecting the individual or decisions regarding a student's education; or
- such verbal or physical conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

Some examples of what may constitute sexual harassment are: threatening or taking adverse employment actions or actions adverse to a student's education if sexual favors are not granted; demands for sexual favors in exchange for favorable or preferential treatment; unwelcome flirtations or advances; unwelcome physical contact; whistling, leering, improper gestures, or offensive remarks, including unwelcome comments about appearance; sexual jokes or other inappropriate use of sexually explicit or offensive language; the display in the workplace or classroom of sexually suggestive objects or

pictures; using any telecommunications or computer system to send, receive, or exhibit unwelcome discriminatory and/or sexual displays, etc. For purposes of this policy, other discriminatory harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, sex/gender (including pregnancy, childbirth, related conditions, and lactation), religion, age, national origin, ancestry, citizenship, disability, status as a medical marijuana cardholder, genetic information, gender identity or expression, sexual orientation, current or past membership or service in the U.S. Armed Forces or a state military unit, or any other characteristic protected by law, or that of their relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment, or unreasonably interfering with the individual's work or educational performance; or
- otherwise adversely affects an individual's employment or educational opportunities.

Some examples of such harassment are: using epithets, slurs, negative stereotypes, or threatening, intimidating or engaging in hostile acts that relate to a protected characteristic; purported jokes or pranks; placing on walls, bulletin boards or elsewhere on the College's premises, or circulating in the workplace verbal or written graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

## **Procedures**

### Reporting Discrimination or Harassment Claims

The College strongly encourages prompt reporting of all incidents of alleged discrimination or harassment. All staff are responsible for conducting themselves in accordance with this policy. Staff members may report discrimination or harassment claims to their supervisor, manager, to one of the College's Equal Opportunity (EEO) Officers, or to the Director of Human Resources. Students and third parties may also make harassment complaints against staff members under this policy. For purposes of this policy, the term "student" includes any student who is enrolled in a class at Haverford or is living in a Haverford residence hall. Students may report harassment complaints to those individuals listed above or to those individuals listed on the Title IX Section of the Dean's Office website.

All staff have a responsibility to report suspected violations of this policy to one of the individuals listed above. Any supervisor or manager who receives a report or becomes aware of a suspected violation of this policy is to immediately refer the matter to one of the College's EEO Officers or the Director of Human Resources.

Complaints will be treated as confidential, consistent with the College's need to conduct an investigation as outlined below.

## Resolving Complaints

When a complaint is referred to or received by an EEO Officer or the Director of Human Resources, the College will conduct an adequate, reliable, and impartial investigation. The College will select the investigator. In most cases, this investigation should be completed within thirty (30) days. During the course of this investigation, any aggrieved party or parties and any party accused of discrimination or harassment will be interviewed and allowed to identify witnesses and other relevant evidence to support their accounts.

During the pendency of the investigation, in cases where the Director of Human Resources, in consultation with the Director of Campus Safety and/or other College officials, determines that it is necessary, the accused employee may be suspended or may be subject to "no-contact" or other restrictions as may be appropriate for the situation. Once the investigation is completed, the results will be reported to the Director of Human Resources, any EEO Officer who may be involved, and the Vice President, Dean, or Provost who is responsible for the department in which the accused employee is employed. After reviewing the results, those individuals will determine the appropriate action to be taken, and the parties will be informed of the results of the investigation and the action to be taken. Such actions may include: (a) taking disciplinary or other action to rectify the violation; (b) referring the parties on a voluntary basis to the Informal Resolution of Conflict Procedure described below; and/or (c) referring the matter to the President for the possible appointment of a Presidential Panel. In cases involving charges of sexual assault, the matter will typically be referred directly to the President after the investigation is completed. If the Director of Human Resources should decide in a case not to refer the matter to the President, the complaining party may appeal that determination to the President of the College within three (3) business days of being so advised by the Director of Human Resources.

### Informal Resolution of Conflict Procedure

In appropriate cases not involving a charge of sexual assault, the parties may be referred on a voluntary basis to resolve the matter under the College's Informal Resolution of Conflict Procedure. In this process, the EEO Officer may attempt to mediate between the aggrieved person and the accused person with the goal of reaching a resolution to the complaint that would be satisfactory to both parties, the EEO Officer, and the Director of Human Resources. The EEO Officer is not required to have the parties meet for this purpose — they may decide to communicate with the parties separately. In the case of student complaints, however, no student shall be required to meet with the accused party without a mediator present. Either party can stop the informal process at any time.

### Presidential Panel Procedure

If the matter is referred to the President, the President will decide if appropriate action can be taken based upon the information already gathered or whether a Presidential Panel is necessary to further investigate the facts of alleged discrimination or harassment. The five members of the Presidential Panel will be chosen from any of three

previously elected panels (one of non-exempt staff, a second of exempt staff, and a third of faculty). One person will be chosen from these three panels by the aggrieved individual, and one will be chosen by the accused person. The President will choose the other three persons from employees elected to those three panels, naming one of them to chair the Panel.

In performing its function, the Presidential Panel will review the results of the investigation already completed and continue to investigate as appropriate in order to formulate a recommendation. When the Panel's investigation is completed, the Panel will make a recommendation to the President, who can accept, modify, or reject the recommendation and will make the final decision. Upon completion of the process, the outcome will be communicated in writing to the aggrieved person and the person about whom the allegations were made.

In the event it finds that unacceptable conduct occurred, the College will take prompt corrective action. Anyone found to have engaged in misconduct constituting discrimination/harassment will be disciplined, up to and including termination. Discipline may include, but is not limited to, a written reprimand; referral to counseling; withholding a promotion, reassignment, or pay increase or supplement; suspension; or, discharge.

All members of the College community are expected to fully cooperate with and provide truthful information in connection with any investigations or procedures undertaken in connection with this policy. The College will not retaliate against anyone who makes a report or provides information in good faith under this policy. The reporting and investigation of allegations of retaliation will follow the procedures detailed above. Any person found to have retaliated against a person in violation of this policy will be subject to appropriate disciplinary action, up to and including termination.

This policy relates to the College's goal of promoting an environment free of discrimination and harassment. However, it is neither designed nor intended to limit the College's authority to take disciplinary or remedial action for conduct deemed unacceptable, regardless of whether it satisfies the legal definition of discrimination or harassment.

#### Title IX Coordinator

The Director of Human Resources shall inform the Title IX Coordinator of all complaints received involving claims of sexual harassment or sexual discrimination. The Title IX coordinator also shall be informed of developments in such cases and of the ultimate outcome in each case.