

# **Policy on Harassment and Non-Discrimination**

Adopted by the Board of Trustees on June 5, 2015

## **Table of Contents**

1. Overview
  - 1.1 Purpose and Scope of this Policy
  - 1.2 Education and Prevention
  - 1.3 Academic Freedom
  - 1.4 Standing Committee
  - 1.5 Coordination with Related Policies
  - 1.6 Standard of Review
  - 1.7 Definitions
2. Prohibited Conduct
  - 2.1 Harassment
  - 2.2 Discrimination
  - 2.3 Supervisory Conflict of Interest
  - 2.4 Sexual Misconduct
  - 2.5 Retaliation
3. Alternatives to Filing a Report or Complaint and the Complainant's Control Over the Resolution Process
  - 3.1 Confidential Resources
  - 3.2 Action Without a Report
  - 3.3 Complainant's Control Over the Resolution Process
4. Intervention and Making a Report
  - 4.1 Intervention
  - 4.2 When to Report
  - 4.3 Where to Report
5. Addressing a Complaint through Informal Resolution
6. Addressing a Complaint through Formal Resolution
  - 6.1 Formal Complaints Against Students
  - 6.2 Formal Complaints Against Non-Administrative Faculty
  - 6.3 Formal Complaints Against Staff
  - 6.4 Formal Complaints Against Administrators or Members of the Board of Trustees

- 6.5 Past Relationship
- 6.6 Equal Treatment

- 7. Disciplinary Action and Remedies for Complainants
    - 7.1 Disciplinary Action
    - 7.2 Interim Measures
    - 7.3 Remedies for Complainants and the Campus Community
  - 8. Right of Appeal
  - 9. Respondent: Protection From Bad Faith Complaints
  - 10. Confidentiality
  - 11. Recordkeeping
  - 12. Filing Internally versus Externally
  - 13. Resources
  - 14. Reporting Tree
- Appendix A The Principles of our Equitable Community

## 1. OVERVIEW

1.1. **Purpose and Scope of this Policy.**<sup>1</sup> Lehigh University upholds *The Principles of Our Equitable Community* (see Appendix A) and is committed to providing an educational, working, co-curricular, social, and living environment for all students, staff, faculty<sup>2</sup>, trustees, contract workers, and visitors that is free from harassment and discrimination on the basis of age, color, disability, gender identity or expression, genetic information, marital or familial status, national or ethnic origin, race, religion, sex, sexual orientation, or veteran status<sup>3</sup>. Such harassment or discrimination is unacceptable behavior and will not be tolerated.

The University strongly encourages (and, depending upon the circumstances, may require) students, faculty, staff or visitors who experience or witness harassment or discrimination<sup>4</sup>, or have information about harassment or discrimination in University programs or activities, to immediately report such conduct as more specifically provided in Section 3 of this Policy.<sup>5</sup> Reports should be made to:

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<sup>1</sup> Section 1.1 of this Policy shall be distributed in languages other than English, as necessary.

<sup>2</sup> All references to “faculty” throughout this Policy include adjunct faculty.

<sup>3</sup> Although the scope of this Policy does not include social class or socioeconomic status as protected characteristics, using social class or socioeconomic status as a pretext (i.e., a reason to justify a course of action that is not the real reason) for harassment or discrimination based upon national origin, race, sex or another protected characteristic is prohibited.

<sup>4</sup> It is important to note that harassment, discrimination, and other conduct prohibited by this Policy is deemed *perceived* or *alleged* until such time as an investigation is complete and a determination has been made that such conduct has occurred.

<sup>5</sup> Section 3 of this Policy requires staff, faculty, administrators, teaching assistants, graduate assistants, research assistants, gryphons and other designated University representatives to immediately report incidents of harassment, discrimination (including incidents of gender violence or sexual misconduct), or other conduct prohibited by this Policy, that are brought to their attention by student(s) or that are reported to them or witnessed by them involving student(s), Staff, faculty and administrators who serve in a supervisory role at the University are also required to immediately report incidents of harassment, discrimination (including incidents of gender violence or sexual misconduct), or other conduct prohibited by this Policy, that are brought to their attention by any member of the University community including visitors.

Equal Opportunity Compliance Coordinator<sup>6</sup>  
Alumni Memorial Building, Room 302, (610) 758-3535,  
[EOCC@lehigh.edu](mailto:EOCC@lehigh.edu)

In the event that the conduct involves the Equal Opportunity Compliance Coordinator<sup>7</sup>, reports should be made to:

Human Resources Investigator  
428 Brodhead Avenue, (610) 758-3897, [jaz308@lehigh.edu](mailto:jaz308@lehigh.edu)

The University takes steps to ensure that a hostile environment on these bases does not exist on its campus or in its programs and activities and to respond effectively to formal and informal allegations of harassment or discrimination. The University will promptly investigate such complaints or incidents and will take prompt and appropriate measures, including disciplinary action, against individuals found to have violated this Policy. Lehigh University will take action reasonably designed to end a hostile environment if one has been created, prevent its recurrence, and, when appropriate, take steps to remedy its effects on individuals and the campus community. The University encourages students and employees to work together to prevent harassment and discrimination in any University program or activity, including all academic, extra-curricular, and University-sponsored activities.

**1.2. Education and Prevention.** The University provides education about discrimination, harassment and other conduct prohibited by this Policy, through various means including orientation programs for new students and employees, on-line training, and follow-up programs for students, staff, faculty, and administrators. All individuals in a supervisory capacity will receive appropriate training to take leadership in implementing this Policy and related policies. They will inform people under their direction of this Policy and assume leadership in implementing the procedures.

**1.3. Academic Freedom.** Lehigh University upholds the principles of academic freedom and free speech as stated in Rule 2.1.1 of the Rules and Procedures of the Faculty of Lehigh University, accessible at <http://www.lehigh.edu/~inprv/faculty/rules.html>.

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<sup>6</sup> The Equal Opportunity Compliance Coordinator serves as the Title IX Coordinator, ADA and Section 504 Coordinator, and the Age Act Coordinator.

<sup>7</sup> Whenever an official University title is named throughout this Policy, the official's designee may act in the official's stead.

**1.4. Standing Committee.** The University has formed, and will maintain, a standing committee known as the Council for Equity and Community (or such other agreed upon name) ("CEC") comprised of faculty, administrators, staff and students. The CEC will, among other things, work in collaboration with the Equal Opportunity Compliance Coordinator, the Vice Provost for Academic Diversity and other designated offices or individuals to provide increased attention and focus to issues related to diversity, equity and inclusion and campus climate at Lehigh and the means to address them in a systematic and coordinated manner. The CEC will report directly to the President of the University with oversight from the Board of Trustees Subcommittee on Diversity and Inclusion.

**1.5. Coordination with related policies.** In addition to this Policy, which addresses harassment, discrimination, and other prohibited conduct, Lehigh has related policies pertaining to students that should be consulted in conjunction with this one.

1.5.1. The Student Conduct System Policy, also known as the Student Code of Conduct, can be found in the Student Handbook as well as on Lehigh's website at: [Student Conduct System Policy](#) or at <http://studentaffairs.lehigh.edu/content/code-conduct>. The Student Conduct System Policy sets forth Lehigh's judicial process for resolving reported incidents of harassment, discrimination, or other prohibited conduct involving students.

**1.6. Standard of Review.** Lehigh University utilizes the *preponderance of the evidence* standard<sup>8</sup> of review and proof in investigating and resolving complaints of harassment, discrimination, and other conduct prohibited by this Policy.

#### **1.7. Definitions.**

1.7.1. **Complainant.** An individual who believes they have been subject to harassment, discrimination, or other prohibited conduct and who makes a report or files a complaint.

1.7.2. **Complaint.** An oral or written account of an incident of harassment, discrimination, or other prohibited conduct, which may be

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<sup>8</sup> The *preponderance of the evidence* standard means that it is "more likely than not" or there is a greater than 50 percent chance that harassment or discrimination has occurred. This standard requires a much lower level of proof than the *beyond a reasonable doubt* standard used for criminal matters.

resolved formally or informally.

1.7.3. **Report.** A formal oral or written account of an incident of harassment, discrimination, or other prohibited conduct.

1.7.4. **Respondent.** An individual against whom a complaint is filed.

## 2. PROHIBITED CONDUCT

Conduct prohibited by this Policy may occur in any University program or activity, such as in the workplace, at a University-sponsored athletic event or in a residence hall or classroom. In cases involving students, and in accordance with the [Student Conduct System Policy](http://studentaffairs.lehigh.edu/content/code-conduct), also accessible at <http://studentaffairs.lehigh.edu/content/code-conduct>, prohibited conduct shall not be limited to conduct that occurs on Lehigh University premises.

2.1. **Harassment.** This Policy addresses two forms of harassment:

- Hostile or offensive environment; and
- Quid pro quo sexual harassment.

2.1.1. **Hostile or Offensive Environment.** A hostile work, learning, co-curricular, social or living environment occurs when a member of the Lehigh University community or a visitor is subjected to unwelcome statements, jokes, gestures, pictures, touching, or other conduct that offends, demeans, harasses, or intimidates and is based on one or more of the protected characteristics set forth in Section 1.1 above. Harassment includes offensive verbal or physical conduct or text or graphic communication including through social media that has the purpose or effect of interfering with an individual's work or educational performance, or has the purpose or effect of creating an intimidating, hostile, or offensive environment. The violating conduct may involve a single serious and offensive event, or may involve persistent harassing behavior. A hostile environment can be created by supervisors, co-workers, faculty, coaches, students, alumni, or visitors to campus such as vendors and contractors.

2.1.1.1. Examples of a serious act. An isolated comment or incident usually does not create a hostile work or educational environment. The exception is if the incident is a serious act, such as 1) an intentional, non-consensual touching of an intimate body area of another person; 2) an instructor humiliating a student in class by making a joke about the student's disability; or 3) a student marking Nazi swastikas or writing a racial epithet on a fellow student's door.

2.1.1.2. Examples of persistent hostile behavior. A hostile work or educational environment may be created when a person fails to stop a behavior that a reasonable person would find hostile or abusive particularly after they have been asked previously to stop the behavior. Examples: 1) students in a class ask a teaching assistant not to tell jokes targeted at individuals of a particular race, national origin or sexual orientation, but she or he continues to do so; or 2) an employee asks a supervisor not to touch him or her, but the supervisor continues to do so.

2.1.1.3. Stereotyping. Statements that demean people on the basis of age, color, disability, gender identity or expression, genetic information, marital or familial status, national or ethnic origin, race, religion, sex, sexual orientation, or veteran status can also contribute to a hostile work or educational environment. For example, it would be sex stereotyping to ask a man or a woman why he or she is majoring in a discipline such as English, Engineering, or Finance because people of this gender can't succeed in the area. Another example of stereotyping would be to ask an older colleague why she or he hasn't retired. Each of these isolated questions is not harassment by itself, but could contribute to a hostile environment.

**2.1.2. Quid Pro Quo Sexual Harassment.** Quid Pro Quo Sexual Harassment occurs when a member of the Lehigh University community who has a position of power or influence over another member of the community (for example, professor over student, supervisor over supervisee, graduate teaching assistant over undergraduate class participant, etc.), explicitly, or implicitly, promises or withholds job-related or education-related benefits based upon the employee's or student's submission to sexual advances or behavior. This form of harassment only applies to situations based on sex, not to situations arising from harassment based upon one of the other protected characteristics set forth in Section 1.1 above.

2.1.2.1. Quid pro quo sexual harassment includes unwelcome sexual advances and requests for sexual favors, where submission to the conduct is made a term or condition of employment or educational opportunity; or submission to or rejection of such conduct is used as a basis for employment or educational decisions. Such harassment may involve behavior by a person of one sex against a person of the same or different sex.

2.1.2.2. Examples of quid pro quo sexual harassment may include but are not limited to: (a) seeking sexual favors or relationships in return for the promise of a favorable grade or other academic opportunity (e.g., professor tells student "sleep with me and you will receive an A", or "if you

don't sleep with me, I will make sure that you fail the class" or graduate teaching assistant tells undergraduate student "have sex with me tonight and I'll put in a good word for you when Professor X is selecting her research assistant"); or (b) basing an employment-related action (e.g., hiring, salary increase, performance appraisal, termination) on a sexual favor or relationship (e.g., supervisor tells supervisee "go out for a drink with me and I'll make sure that you receive a good raise" or "if you don't share a room with me at the conference, I'm not sure that I'll be able to renew your position").

**2.2. Discrimination.** Discrimination occurs when a member of the Lehigh community or a visitor is subject to negative or adverse treatment, based on one or more of the protected characteristics described above, that denies or limits the individual's ability to obtain educational benefits or interferes with the work environment.

2.2.1. Examples of discrimination include a faculty member giving a student a lower grade because of the student's race, a staff person receiving a negative performance review based on gender identity or expression, or a student with a disability who does not receive approved academic accommodations.

**2.3. Supervisory Conflict of Interest.** The University does not have a policy prohibiting romantic or sexual relationships between members of the University community. However, the University does not permit an individual in a position of direct or indirect power or influence over another individual (for example, faculty over students or staff; supervisor over supervisee, graduate teaching assistant over undergraduate class participant, etc.) to engage in a romantic or sexual relationship with that individual without resolving the conflict of interest (that is, the position of power or influence). To engage in this kind of relationship puts the individual in the position of power or influence at risk for charges of sexual harassment and creates a situation that may result in discriminatory treatment of others. Accordingly, a supervisor should avoid developing a romantic or sexual relationship with an employee. Similarly, an instructor (e.g., advisor, course instructor, teaching assistant) should avoid developing a romantic or sexual relationship with a student taught, advised, or supervised by that instructor. If such a relationship does develop, it is a conflict of interest for the supervisor or instructor to continue in any type of supervisory role. In such a situation, the supervisor or instructor must arrange for alternative supervision of the employee or student. For example, a doctoral advisor should confer with the student and the faculty of his or her department to identify and recruit an alternate doctoral advisor. A supervisor and employee should work with their department and Human Resources for reassignment of the employee or

supervisor to another department or to institute a change in the supervisory relationship.

It is the responsibility of the person in the supervisory role to report the conflict of interest directly to his or her supervisor and to resolve it in a manner satisfactory to the supervisor.

2.4. **Sexual Misconduct.** Sexual misconduct, as defined in the Lehigh University Code of Conduct at: [Student Conduct System Policy](#), also accessible at <http://studentaffairs.lehigh.edu/content/code-conduct>, includes but is not limited to sexual contact that occurs without the explicit consent of each individual involved; conduct that exploits another individual in a sexual and non-consensual way; stalking; dating violence; domestic violence; exposure of one's body in an indecent or lewd manner; sexual activity in public or semi-public spaces; and sexual assault.

2.5. **Retaliation.** This Policy prohibits retaliation against, and intimidation or harassment of, anyone who reports or is believed to have reported harassment, discrimination, or other prohibited conduct, or who is a witness or otherwise involved in a harassment or discrimination proceeding. Such retaliation, intimidation, or harassment will be considered a serious violation of this Policy, regardless of whether an informal or formal complaint is upheld. Encouraging others to retaliate is also prohibited. Complaints of retaliation should be filed with the Equal Opportunity Compliance Coordinator using the procedures set forth in this Policy.

### **3. ALTERNATIVES TO FILING A REPORT OR COMPLAINT AND THE COMPLAINANT'S CONTROL OVER THE RESOLUTION PROCESS**

3.1 **Confidential Resources.** Individuals who wish to discuss matters covered by this Policy confidentially with a counselor or spiritual advisor who is not required to make a report under Section 4 of this Policy may utilize the University Counseling Center or Chaplain's Office (for students) or the University's employee assistance program, Integrated Behavioral Health (for employees). Reports of harassment, discrimination, or other prohibited conduct that are made to individuals outside of these confidential sources will be addressed in a manner consistent with this Policy.

3.2 **Action Without A Report or Complaint.** Although the University encourages individuals who believe that they have been subject to harassment, discrimination, or other prohibited conduct to report the incident as outlined below, such individuals may wish to attempt to resolve the issue with the alleged harasser or discriminator through verbal or

written communication without involvement of the University. Whether or not this step is taken, individuals have the right at any time to initiate informal resolution or to file a formal complaint as set forth below.

**3.3 Complainant's Control Over the Resolution Process.** In most instances when a report or complaint is made, the complainant (or individuals acting on behalf of a complainant) will exercise control over the process, including but not limited to, whether to move forward with a report or complaint or to utilize the informal or formal resolution process.

In limited circumstances, the Equal Opportunity Compliance Coordinator may determine that it is necessary to move forward with a report or complaint, despite the wishes of the complainant. The Equal Opportunity Compliance Coordinator will evaluate all requests by complainants (or individuals acting on behalf of a complainant) for confidential treatment of a report involving prohibited conduct under this Policy. This evaluation will take into account all of the facts and circumstances surrounding the incident including, but not limited to, whether the University has a legal duty to act because of a threat to the safety or security of the individuals involved or to the campus community, the potential for the creation or continuation of a hostile environment, or a pattern of conduct by the respondent that is a violation of this Policy. Before moving forward with a complaint or report against the wishes of a complainant, the Equal Opportunity Compliance Coordinator will meet with the complainant to discuss the decision and to discuss potential interim measures, resources and other means of support.

## **4. INTERVENTION AND MAKING A REPORT**

**4.1. Intervention.** University employees who witness harassment or discrimination are encouraged to intervene to stop the conduct, unless the circumstances would make such intervention dangerous.

### **4.2. When to Report.**

4.2.1. Staff, faculty, administrators, teaching assistants, graduate assistants, research assistants, gryphons<sup>9</sup> and other designated University representatives are required to immediately report incidents of harassment, discrimination (including incidents of gender violence or

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<sup>9</sup> For this Section 4.2.1, undergraduate and graduate students are mandatory reporters only while they are actively serving in their role and fulfilling their responsibilities as a paid teaching assistant, graduate assistant, research assistant or gryphon (i.e., when they are not serving in an official University capacity, Section 4.2.3 would apply).

sexual misconduct), or other conduct prohibited by this Policy, that are brought to their attention by student(s) or that are reported to them or witnessed by them involving student(s). Such reports must be made to the Equal Opportunity Compliance Coordinator (who also serves as the University's Title IX Coordinator), who will address the report consistent with the procedures set forth below. Descriptions of the conduct prohibited by this Policy, including the definitions of harassment and discrimination, are contained in Section 2 of this Policy.

4.2.2. Staff, faculty and administrators who serve in a supervisory role at the University are required to immediately report incidents of harassment, discrimination (including incidents of gender violence or sexual misconduct), or other conduct prohibited by this Policy, that are brought to their attention by any member of the University community including visitors. Such reports must be made to the Equal Opportunity Compliance Coordinator (who also serves as the University's Title IX Coordinator), who will address the report consistent with the procedures set forth below. Descriptions of the conduct prohibited by this Policy, including the definitions of harassment and discrimination, are contained in Section 2 of this Policy.

4.2.3. For individuals or circumstances not addressed in 4.2.1. or 4.2.2. above, all members of the University community are strongly encouraged, although not required, to promptly report incidents of harassment, discrimination, or other conduct prohibited by this Policy, to the Equal Opportunity Compliance Coordinator. If a report is not made in accordance with this Section, the University may be unaware of the incident and therefore unable to respond. If an individual does not want to report for fear of potential retaliation, please refer to Section 2.5 above. When individuals are in doubt about their obligation to bring a report forward, they should consult with the Equal Opportunity Compliance Coordinator for guidance. Although a report can be filed at any time, reports should be made as soon as possible to prevent the passage of significant time between an incident and an investigation so that memory lapses, the departure of key witnesses, or other time-sensitive factors do not impair an investigation. Faculty and staff who do not report promptly should file a report within two years after the last act occurred, unless extenuating circumstances precluded making a report within that time period. Students who do not report promptly should file a report while the alleged respondent remains enrolled or employed at the University, or within two years of the complainant's last day of enrollment, unless extenuating circumstances precluded making a report within that time period.

**4.3. Where to Report.** Reports and complaints of incidents of harassment, discrimination, or other prohibited conduct under this Policy should be made to the Equal Opportunity Compliance Coordinator. The Equal Opportunity Compliance Coordinator maintains an office in the Alumni Memorial Building at 27 Memorial Drive West and can be reached at 610-758-3535, EOCC@lehigh.edu or by submitting an online report<sup>10</sup> at lehigh.edu/go/harassment. In the event of a conflict of interest (that is, either the Equal Opportunity Compliance Coordinator is the one being accused of harassment or discrimination or there is a concern about fair process given an existing relationship), incidents of harassment, discrimination, or other prohibited conduct under this Policy may alternatively be reported to the Human Resources Investigator. The Human Resources Investigator maintains an office in the Human Resources building at 428 Brodhead Avenue and can be reached at (610) 758-3897 or jaz308@lehigh.edu.

Within forty-eight (48) hours of receiving a report or complaint of harassment, discrimination, or other prohibited conduct, the individual (if not the Equal Opportunity Compliance Coordinator) who received the report or complaint will notify the Equal Opportunity Compliance Coordinator of the allegation(s); the time, date, and location of the incident; and the identity of the involved parties. Within seventy-two (72) hours of receiving notice from the complainant or another reporting party, the Equal Opportunity Compliance Coordinator will contact the complainant to gather preliminary information about the report or complaint and to discuss the options of informal and formal resolution under the Policy<sup>11</sup>. The Equal Opportunity Compliance Coordinator will thereafter determine whether the informal resolution process, if requested, may be used and will assign a trained individual to investigate or facilitate an informal resolution, as appropriate. All requests for confidentiality will be handled pursuant to Section 10 of this Policy.

The Equal Opportunity Compliance Coordinator will document all reports of harassment, discrimination, or other prohibited conduct. All individuals responsible for implementing and/or enforcing this Policy will receive

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<sup>10</sup> Although an online report may be filed anonymously, the University's ability to act may be limited if the reporter does not complete the form fully.

<sup>11</sup> To the extent that there may be concern that an incident of harassment or discrimination as reported involves criminal conduct, the Equal Opportunity Compliance Coordinator will refer the matter to the Lehigh University Police Department.

comprehensive training on anti-discrimination and anti-harassment laws and related policies and procedures.

Individuals who choose to file criminal complaints with the Lehigh University Police Department or external law enforcement agencies may also simultaneously file complaints through this Policy.

## **5. ADDRESSING A COMPLAINT THROUGH INFORMAL RESOLUTION (FORMAL RESOLUTION IS ADDRESSED IN SECTION 6 BELOW)**

5.1. After consultation with the Equal Opportunity Compliance Coordinator, or designee, a complainant may decide to resolve a complaint informally. The goal of the informal resolution process is to rectify the problem. The informal resolution process is voluntary. This process involves having a member of the Informal Resolution Network (a link to the current list of members is set forth in Section 5.6 below) help to resolve the issues between the complainant and the respondent. The informal resolution process will not be used in certain instances, including but not limited to quid pro quo sexual harassment, gender violence cases and instances in which a complaint has been filed previously against the respondent. In these instances, please refer to Formal Resolution in Section 6 below.

5.2. The informal resolution process will commence, absent extenuating or unforeseen circumstances, within ten (10) calendar days of the receipt of a complainant's request for informal resolution. The informal process may result in solutions such as asking the respondent to modify or stop the behavior, separating the complainant and respondent, or reaching a mutually acceptable agreement. However, this informal resolution will not result in formal disciplinary action against the respondent without a formal process as outlined under Section 6. For information regarding the confidentiality of the informal resolution process, see Section 10 of this Policy.

5.3. As required under Sections 4.2.1 and 4.2.2, reports of incidents of harassment, discrimination, or other prohibited conduct received by any member of the Informal Resolution Network should immediately be sent to the Equal Opportunity Compliance Coordinator. Any Informal Resolution Network member who participates in an informal resolution must also report the resolution of the case to the Equal Opportunity Compliance Coordinator who will keep a record of these reports. No record of cases that are successfully resolved through informal resolution will be placed in the complainant's or the respondent's personnel or student file.

5.4. If the informal resolution is unsuccessful, or if the complainant is dissatisfied with the informal process, he or she may proceed with a formal

complaint as outlined in Section 6. The complainant may terminate the informal resolution process at any time and proceed with a formal complaint.

5.5. The informal resolution process, absent extenuating or unforeseen circumstances, will be completed within sixty (60) calendar days. The parties will be advised of any material delays in the process.

5.6. Informal Resolution Network Members: a list of individuals who have been trained to facilitate informal resolution can be found at: <https://hr.lehigh.edu/complaint-resolution-network>.

## **6. ADDRESSING A COMPLAINT THROUGH FORMAL RESOLUTION (INFORMAL RESOLUTION IS ADDRESSED IN SECTION 5 ABOVE)**

After consultation with the Equal Opportunity Compliance Coordinator, or designee, a complainant may decide to file a formal complaint. Either the complainant or the Equal Opportunity Compliance Coordinator, or designee, will prepare a written complaint, including the name of the respondent, if available, within five (5) calendar days of the complainant's decision to file. The Equal Opportunity Compliance Coordinator, or designee, will give any named respondent and the complainant a copy of this written complaint within ten (10) calendar days of the initial meeting, and will refer the complaint as follows, depending upon whom the complaint is against. The University's procedures for resolving complaints under this Policy provide for the prompt, adequate, reliable, and impartial investigation and resolution of complaints, including an equal opportunity to present witnesses and relevant evidence. For information regarding the confidentiality of the formal resolution process, see Section 10 of this Policy. Complaints generally will be resolved within sixty (60) calendar days of the filing of the complaint absent extenuating or unforeseen circumstances. Where there is a need to extend this timeframe, the parties will be notified of any delays and provided an explanation for the delay. Parties will receive regular updates regarding the status of the complaint.

**6.1. Formal Complaints Against Students.** Complaints against students are referred to the Dean of Students office within forty-eight (48) hours of the preparation or receipt of the written complaint by the Equal Opportunity Compliance Coordinator and will be investigated and resolved through the procedures outlined in the Student Conduct System Policy. In regard to a formal complaint against a student, two trained investigators shall conduct an investigation, concluding with the drafting of a report containing the investigators' factual findings, collected evidence, and recommendations. The report shall be provided to a panel of faculty and

staff members to review and to determine whether, based on a preponderance of the evidence, any University policy has been violated. If the panel determines that a violation of University policy has occurred, the Office of Student Conduct & Community Expectations shall determine the appropriate disciplinary sanction and/or remedy. The parties shall be notified of the panel's determination regarding responsibility and of any applicable disciplinary action and/or remedy, as described more fully in Article V of the Student Conduct System Policy. This policy is available in the Student Handbook and on Lehigh's website at [Student Conduct System Policy](http://studentaffairs.lehigh.edu/content/code-conduct), or at <http://studentaffairs.lehigh.edu/content/code-conduct>, and provides for the prompt, adequate, reliable, and impartial investigation and resolution of complaints. For complaints of harassment, discrimination, or other prohibited conduct, students include individuals whose primary relationship with the University is as a student, including all undergraduate and graduate students and those who are functioning as graduate assistants, research assistants, teaching assistants, and teaching fellows.

## **6.2. Formal Complaints Against Non-Administrative Faculty, including all full-time, part-time, and adjunct faculty.**

6.2.1. Complaints against faculty members are handled by the Equal Opportunity Compliance Coordinator and one additional faculty investigator appointed by the Provost (selected according to Section 6.2.2 below).

6.2.2. The Provost will appoint up to five (5) faculty investigators for staggered three-year terms. The faculty investigators will be tenured faculty members who have been or will be trained in discrimination/harassment issues and investigation. When a formal complaint against a faculty member arises, the Provost will, within five (5) calendar days of the filing of the complaint, appoint one of the faculty investigators to work with the Equal Opportunity Compliance Coordinator on that specific case. A faculty investigator will not accept the assignment if he or she is a member of the same department as the complainant or the respondent, or if there is another conflict of interest.

6.2.3. The Equal Opportunity Compliance Coordinator and faculty investigator will complete investigation of the complaint within forty (40) days of the filing of the complaint, absent extenuating or unforeseen circumstances. The investigation may include interviews with the complainant, respondent, and witnesses or reference people requested by the complainant or the respondent. The Equal Opportunity Compliance Coordinator and faculty investigator reserve the right to determine whom to interview and will conduct each interview in a separate, private session.

For any such interview and all other proceedings, the complainant and respondent may each be accompanied by an advisor of their choice<sup>12</sup>, who must be a current full-time employee or student of the University, except in cases involving an allegation of sexual misconduct, where the choice of advisor is not limited to a current employee or student.

6.2.4. The Equal Opportunity Compliance Coordinator and faculty investigator will prepare a detailed written report and will share the report with both the complainant and the respondent, who will each have the opportunity to ask questions, request changes and state objections. The EOCC and faculty investigator, after making any modifications they deem necessary or appropriate, will submit the detailed written report, along with a copy of any requested changes or stated objections by either the complainant or respondent, to the Provost within ten (10) calendar days of the conclusion of the investigation. The report will include findings of fact with supporting evidence and a recommended resolution of the complaint, including recommended disciplinary action, interim measures, or remedies as appropriate. Within ten (10) calendar days of receiving the report, the Provost will review the findings and recommendations, meet with the EOCC and faculty investigator, if necessary to ask questions or seek clarification, determine the final actions to be taken and communicate these directly to the respondent and the complainant, in writing, together with a copy of the detailed written report. The faculty member's chair, dean, and the President will also be informed of the outcome. In no case shall any permanent disciplinary action be taken until an appeal (see Section 8 below), if any, is complete. However, the Provost may, at his or her discretion, impose at any point in the proceedings temporary work restrictions or other measures designed to separate the respondent and the complainant.

### **6.3. Formal Complaints Against Staff, including all individuals whose primary relationship with the University is as a staff member.**

Staff members who are enrolled as part-time students or who work on research grants at the University are considered staff. (See Section 6.1 for complaints against graduate assistants, research assistants, teaching assistants, and teaching fellows, whose primary relationship with the

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<sup>12</sup> The Equal Opportunity Compliance Coordinator is prepared to meet with any advisors, upon their request, who are current full-time employees or students of the University in order to review and answer questions about the substance and procedures set forth in this Policy.

University is that of student).

6.3.1. Complaints against staff are handled by the Equal Opportunity Compliance Coordinator and the designated Human Resources Investigator. The Equal Opportunity Compliance Coordinator will not investigate a complaint if he or she is a member of the same department as the complainant or the respondent, or if there is another conflict of interest. The Human Resources Investigator will not investigate a complaint if he or she is a member of the same department as the complainant or the respondent, or if there is another conflict of interest. In either of these situations, the President will assign another staff member trained in harassment issues and investigation to the case.

6.3.2. The Equal Opportunity Compliance Coordinator and the Human Resources Investigator will complete investigation of the complaint within forty (40) calendar days of the filing of the complaint, absent extenuating or unforeseen circumstances. The investigation may include interviews with the complainant, respondent, and witnesses or reference people requested by the complainant or the respondent. The Equal Opportunity Compliance Coordinator and the Human Resources Investigator reserve the right to determine whom to interview and will conduct each interview in a separate, private session. For any such interview and all other proceedings, the complainant and respondent may each be accompanied by an advisor of their choice (see footnote 10 above), who must be a current full-time employee or student of the University, except in cases involving an allegation of sexual misconduct, where the choice of advisor is not limited to a current employee or student.

6.3.3. The Equal Opportunity Compliance Coordinator and the Human Resources Investigator will prepare a detailed written report and will share the report with both the complainant and the respondent, who will each have the opportunity to ask questions, request changes and state objections. The EOCC and Human Resources Investigator, after making any modifications they deem necessary or appropriate, will submit the detailed written report, along with a copy of any requested changes or stated objections by either the complainant or respondent, to the appropriate Senior Officer within the respondent's reporting line within ten (10) calendar days of the conclusion of the investigation. The report will include findings of fact with supporting evidence and a recommended resolution of the complaint, including recommended disciplinary action, interim measures, or remedies as appropriate. Within ten (10) calendar days of receiving the report, the Senior Officer will review the findings and recommendations, meet with the EOCC and Human Resources Investigator, if necessary to ask questions or seek clarification, determine the final actions to be taken and communicate these directly to the

respondent and the complainant, in writing, together with a copy of the detailed written report. The employee's supervisor and/or manager and the President will also be informed of the outcome. In no case shall any permanent disciplinary action be taken until an appeal (see Section 8 below), if any, is complete. However, the Senior Officer may, at his or her discretion, impose at any point in the proceedings temporary work restrictions or other measures designed to separate the respondent and the complainant.

#### **6.4. Formal Complaints Against Administrators or Members of the Board of Trustees.**

6.4.1. Complaints against an academic associate dean, dean, or vice provost should be referred to the Provost. The referral will occur within forty-eight (48) hours of the filing of the complaint. In consultation with the Equal Opportunity Compliance Coordinator, the Provost will select appropriate individuals (internal or external) to investigate and resolve such a complaint. The selected individuals will complete investigation of the complaint within sixty (60) calendar days of the filing of the complaint, absent extenuating or unforeseen circumstances.

6.4.2. Complaints against the Provost or other Vice President should be referred to the President. The referral will occur within forty-eight (48) hours of the filing of the complaint. In consultation with the Equal Opportunity Compliance Coordinator, the President will select appropriate individuals (internal or external) to investigate and resolve such a complaint. The selected individuals will complete investigation of the complaint within sixty (60) calendar days of the filing of the complaint, absent extenuating or unforeseen circumstances.

6.4.3. Complaints against the President or a member of the Board of Trustees should be referred to the Board of Trustees. The referral will occur within forty-eight (48) hours of the filing of the complaint. The Board of Trustees will select appropriate individuals outside of the University to investigate and resolve such a complaint. The selected individuals will complete investigation of the complaint within sixty calendar (60) days of the filing of the complaint, absent extenuating or unforeseen circumstances.

6.4.4. For each of 6.4.1, 6.4.2 and 6.4.3 above, the investigation may include interviews with the complainant, respondent, and witnesses or reference people requested by the complainant or the respondent. The investigators reserve the right to determine whom to interview and will conduct each interview in a separate, private session. For any such interview and all other proceedings, the complainant and respondent may

each be accompanied by an advisor of their choice (see footnote 10 above), who must be a current full-time employee or student of the University, except in cases involving an allegation of sexual misconduct, where the choice of advisor is not limited to a current employee or student.

6.4.5. The investigators will forward a detailed written report to the Provost (for Section 6.4.1), the President (for Section 6.4.2) or the Board of Trustees (for Section 6.4.3) within ten (10) calendar days of the conclusion of the investigation. The report will include findings of fact with supporting evidence and a recommended resolution of the complaint, including recommended disciplinary action, interim measures, or remedies as appropriate. Within ten (10) calendar days of receiving the report, the Provost, President or Board of Trustees, as applicable, will determine the appropriate actions to be taken and communicate these directly to the respondent and the complainant, in writing, together with a copy of the detailed written report. In no case shall any permanent disciplinary action be taken until an appeal (see Section 8 below), if any, is complete. However, the Provost, President or Board of Trustees, as applicable, may, at his, her or their discretion, impose at any point in the proceedings temporary work restrictions or other measures designed to separate the respondent and the complainant.

**6.5. Past Relationship.** A complainant's past sexual history generally may not be referenced throughout the process described herein, except that either party (complainant or respondent) may reference a prior sexual relationship between the complainant and the respondent.

**6.6. Equal Treatment.** Complainant and respondent will receive equal treatment in the investigation and resolution of complaints. Both complainant and respondent will receive timely notices and equal access to relevant information, and will have an equal opportunity to participate in the process described herein.

## **7. DISCIPLINARY ACTION AND REMEDIES FOR COMPLAINANTS**

7.1. **Disciplinary Action.** Harassment, discrimination, and other prohibited conduct under this Policy are serious offenses that will not be tolerated in an educational, working, co-curricular, social, or living environment. Disciplinary action may include, but is not limited to:

- Corrective action or restitution
- Written reprimand
- Requirement to attend training
- Work restrictions

- Suspension
- Demotion with reduction in pay
- Student expulsion
- Termination of employment of University employees<sup>13</sup>

The range of disciplinary actions available when students are found responsible for conduct prohibited under this Policy is set forth in the Student Conduct System Policy. When appropriate, persons found responsible for harassment may be referred to, or required to participate in, counseling or educational sessions or programs.

**7.2. Interim Measures.** The University may take interim measures such as temporary work restrictions or no contact orders designed to separate the respondent and complainant, interim suspension (for students) or leave (for faculty or staff), or such other reasonable measures pending the outcome of an investigation. The University also offers academic or housing accommodations, counseling, and other interim protective measures, as appropriate, following receipt of a report of harassment, discrimination, or other prohibited conduct.

**7.3. Remedies for Complainants and the Campus Community.** For cases in which a respondent is found responsible for harassment, discrimination, or other prohibited conduct, it may be appropriate to provide remedies to a complainant such as counseling and adjustments to academic courses or the work environment. Individuals found to have been the subject of harassment in violation of this Policy will be offered counseling and/or academic services; such services also may be offered to a respondent, as appropriate. It also may be appropriate to provide training and prevention programs, for example, to the broader campus community. Additional information about available remedies is outlined in the Student Conduct System Policy.

## **8. RIGHT OF APPEAL**

8.1. Either the complainant or the respondent can appeal a decision. The appeal will be filed as follows, depending upon whom the complaint is against.

8.2. When a student is the respondent, the appeal will follow the Student Conduct System process. A student has three (3) business days from the date stated on the outcome letter to submit an appeal. Detailed

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<sup>13</sup> A move for dismissal of a tenured member of the faculty requires a special procedure involving the Board of Trustees, as per the Rules and Procedures of the Faculty.

information about that process is available in the Student Conduct System Policy and on the University's website at: [Student Conduct System Policy](#) or at <http://studentaffairs.lehigh.edu/content/code-conduct>.

8.3. When a faculty member (other than an adjunct faculty member) is the respondent, the appeal will be filed with the Faculty Personnel Committee.

8.4. When an adjunct faculty or staff member is the respondent, the appeal will be filed with the President.

8.5. When an administrator or a member of the Board of Trustees is the respondent, the appeal will be filed with the Board of Trustees, which will select appropriate individuals outside the University to decide the appeal.

8.6. Written appeals in cases against faculty, staff, administrators, or members of the Board of Trustees must be made within fourteen (14) calendar days of receiving written notice of disciplinary action. The appeal process generally will be completed within twenty-one (21) calendar days of receiving the appeal. If there is a delay in the appeal process, the reason for the delay will be communicated to the complainant and the respondent. Both will be kept apprised of the status of the appeal.

8.7. Grounds for appeal are: (1) information is available that was not available at the time of the investigation; (2) the University disciplinary procedures were violated in a way that may have adversely affected the outcome of the case; or (3) the sanction is inappropriate (i.e., unduly lenient or harsh) and not justifiable.

## **9. RESPONDENT: PROTECTION FROM BAD FAITH COMPLAINTS**

If the Equal Opportunity Compliance Coordinator, or designee, or Student Judicial System (in student cases) determines after investigation that the complaint is intentionally dishonest, the complaint will be dismissed and appropriate disciplinary action will be taken against the complainant.

## **10. CONFIDENTIALITY**

Requests by a complainant (or individuals acting on behalf of a complainant) that a report involving prohibited conduct under this Policy is not pursued and maintained confidentially will be evaluated by the Equal Opportunity Compliance Coordinator. For more information regarding the evaluation of such requests, see Section 3.3 of this Policy.

In order to ensure the privacy of the individuals involved and the integrity of the investigations and proceedings under this Policy, all individuals who are involved in informal and formal resolution procedures, as a result of being (a) consulted by either the complainant or the respondent, or (b) interviewed by the Equal Opportunity Compliance Coordinator, or designee, are instructed and required to maintain confidentiality of the proceedings. Failure to maintain confidentiality constitutes a violation of this Policy and may result in disciplinary action.

Notwithstanding these precautions, the University cannot and does not guarantee that confidentiality will be maintained by all parties involved.

For information regarding confidential resources, see Section 3.1 of this Policy.

## **11. RECORDKEEPING**

The Equal Opportunity Compliance Coordinator is responsible for maintaining records of reports and complaints of harassment, discrimination, and other conduct prohibited by this Policy. When a report or complaint is pending, each official having a role in the response and resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the report or complaint will be provided to the Equal Opportunity Compliance Coordinator, who will maintain such records in accordance with University record retention requirements and applicable law. The Equal Opportunity Compliance Coordinator will maintain records of reports, complaints, and incidents of harassment, discrimination, and other prohibited conduct including individuals involved, investigative steps taken, documentation received, participants in the process, and records related to decision-making. Records related to reports and complaints of harassment, discrimination, and other prohibited conduct will be treated as confidential and shared only on a need-to-know basis or as required by law.

## **12. FILING INTERNALLY VERSUS EXTERNALLY**

The complainant may elect to have a complaint handled internally (within the University) in accordance with the procedures described here, and/or may elect to file a formal charge with a federal or state agency authorized by law to investigate such claims.

**For students, faculty and staff:** Complaints may be filed with the U.S. Department of Education's Office for Civil Rights at:

U.S. Department of Education  
 The Wanamaker Building  
 100 Penn Square East, Suite 515  
 Philadelphia, PA 19107-3323  
 Telephone: (215) 656-8541  
 Facsimile: (215) 656-8605  
 Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

**For faculty and staff:** Complaints may be filed with the Equal Employment Opportunity Commission or the Pennsylvania Human Relations Commission:

Equal Employment Opportunity Commission  
 Philadelphia District Office  
 801 Market Street, Suite 1300  
 Philadelphia, PA 19107-3127  
 Telephone: 1-800-669-4000  
 Facsimile: (215) 440-2606

Pennsylvania Human Relations Commission  
 Harrisburg Regional Office  
 333 Market Street, 8<sup>th</sup> Floor  
 Harrisburg, PA 17101-2210  
 Telephone: (717) 787-9780

### 13. RESOURCES

For students:

❖ Chaplain's Office ( <b>*Confidential</b> ) The Dialogue Center; (610) 758-3877	❖ Ombuds Office Robert Thornton (610) 758-3460 <a href="mailto:rjt1@lehigh.edu">rjt1@lehigh.edu</a> Susan Szczepanski (610) 758-3727 <a href="mailto:ss08@lehigh.edu">ss08@lehigh.edu</a>
❖ Counseling & Psychological Services ( <b>*Confidential</b> ) Johnson Hall, 4 <sup>th</sup> Floor; (610) 758-3880	❖ University Police Johnson Hall; (610) 758-4200
❖ Equal Opportunity Compliance Coordinator / Title IX Coordinator, Alumni Memorial Building, Room 302; (610) 758-3535; <a href="mailto:EOCC@lehigh.edu">EOCC@lehigh.edu</a>	❖ The Pride Center UC B202; (610) 758-4126
❖ Office of Gender Violence Education & Support UC C201A; (610) 758-1303	❖ Office of Student Conduct UC 111; (610) 758-4632

❖ Health and Wellness Center Johnson Hall, 3 <sup>rd</sup> Floor; (610) 758-3870	❖ Women's Center UC C207; (610) 758-6484
❖ Office of Multicultural Affairs UC 203; (610) 758-5973	❖ Dean of Students Office UC C108; (610) 758-4156; indost@lehigh.edu

For faculty or staff:

❖ Equal Opportunity Compliance Coordinator / Title IX Coordinator, Alumni Memorial Building, Room 302, (610) 758-3535, <a href="mailto:EOCC@lehigh.edu">EOCC@lehigh.edu</a>	❖ Ombuds Office Robert Thornton (610) 758-3460 <a href="mailto:rjt1@lehigh.edu">rjt1@lehigh.edu</a> Susan Szczepanski (610) 758-3727 <a href="mailto:ss08@lehigh.edu">ss08@lehigh.edu</a>
❖ Human Resources Judy Zavalydriga (610) 758-3897 <a href="mailto:jaz308@lehigh.edu">jaz308@lehigh.edu</a>	❖ University Police Johnson Hall, (610) 758-4200
❖ Integrated Behavioral Health (IBH) <b>(*Confidential)</b> Employee Assistance Program 1-800-395-1616	

## 14. REPORTING TREE

*If you experience or witness discrimination, harassment (including gender violence) or bias of any kind and you do not feel safe, you should immediately contact:*

***Lehigh University Police Department (LUPD)***  
**610-758-4200**

*If you experience or witness gender violence and you feel safe, you may contact LUPD or you may use the following options:*

***Advocates***

**610-758-4763**  
**24/7**

***Gender Violence  
Reporting Form***

**[http://cf.lehigh.edu/sa/aut  
h/gender/](http://cf.lehigh.edu/sa/aut/h/gender/)**

*If you experience or witness discrimination, harassment or bias of any kind and you feel safe, you may contact LUPD or you may use the following options:*

***Equal Opportunity  
Compliance Coordinator/  
Title IX Coordinator***

***Karen Salvemini***  
**610-758-3535**  
**[EOCC@lehigh.edu](mailto:EOCC@lehigh.edu)**  
***Alumni Memorial Building***  
***Room 302***

***Discrimination,  
Harassment, Retaliation  
or Bias Incident Reporting  
Form***

**[lehigh.edu/go/harassment](http://lehigh.edu/go/harassment)**



## APPENDIX A

### THE PRINCIPLES OF OUR EQUITABLE COMMUNITY

Lehigh University is first and foremost an educational institution, committed to **developing the future leaders of our changing global society**. Every member of our community has a personal responsibility to acknowledge and practice the following basic principles:

We **affirm the inherent dignity** in all of us, and we maintain an inclusive and equitable community.

We **recognize and celebrate** the richness contributed to our lives by our diverse community.

We **promote mutual understanding** among the members of our community.

We **confront and reject discrimination in all its forms**, including that based on age, color, disability, gender identity, genetic information, marital status, national or ethnic origin, political beliefs, race, religion, sex, sexual orientation, socio-economics, veteran status, or any differences that have been excuses for misunderstanding, dissension, or hatred.

We **affirm academic freedom** within our community and uphold our commitment to the highest standards of **respect, civility, courtesy, and sensitivity** toward every individual.

We **recognize each person's right to think and speak** as dictated by personal belief and to **respectfully** disagree with or counter another's point of view.

We **promote open expression of our individuality and our differences** within the bounds of **University policies**.

We **acknowledge each person's obligation to the community** of which we have chosen to be a part.

We take **pride** in building and maintaining a culture that is founded on these **principles of unity and respect**.



# LEHIGH UNIVERSITY