

INSTITUTIONAL POLICIES

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Anti-Harassment Policy

INSTITUTIONAL POLICIES

Franklin & Marshall College is committed to having an inclusive campus community where all members are treated with dignity and respect. Franklin & Marshall does not tolerate harassment or discrimination of, or by, employees of the College based on gender, sex, race, national or ethnic origin, birthplace or ancestry, color, religion, age, disability, veteran's status, pregnancy or childbirth, sexual orientation, or membership in any other protected group based on federal, state, or local law. The College will act expeditiously to investigate alleged harassment and to remedy it if the allegation is valid.

Franklin & Marshall College affirms its commitment to ensuring fair and respectful learning and working conditions for its students, faculty, and professional staff. Harassment of or by faculty, professional staff, or students is unacceptable in a college because it is a form of unprofessional behavior that is detrimental to the educational and work environments. Harassment is prohibited based on College policy and Title VII of the Civil Rights Act. Additionally, in accordance with Title IX of the Education Amendments of 1972, Franklin & Marshall College does not discriminate on the basis of sex in its educational programs and activities.

student workers; students; trustees of the College; and visitors, contractors, and vendors to the College.

Definition and Prohibited Behaviors

Harassment is unwelcome and offensive behavior that intimidates or discriminates against an individual or group based on gender, sex, race, national or ethnic origin, birthplace or ancestry, color, religion, age, disability, veteran's status, pregnancy or childbirth, sexual orientation, or membership in any other protected group based on federal, state, or local law. It is behavior that has the effect of creating an intimidating, hostile, or offensive work environment, which interferes with an individual's ability to perform their job. Harassing behaviors may be verbal, written, or physical.

Prohibited behaviors, when severe or pervasive and which have the effect of discriminating against and/or intimidating a College employee or student, can include:

- **Verbal Harassment or Abuse** - employing slurs, epithets, or insulting jokes which reference gender, sex, race, national/ethnic origin, color, religion, age, disability, or sexual orientation; other inappropriate or derogatory comments, questioning, or innuendos which reference a protected class; threats
- **Visual Harassment or Abuse** - displaying, posting, advertising, or distributing material that is offensive, indecent, or abusive which references gender, sex, race, national/ethnic origin, color, religion, age, disability, sexual orientation or any other protected class; making obscene gestures
- **Physical Harassment or Abuse Including Sexual Violence** - unwanted touching or other physical contact; abuse of personal property; assault
- **Retaliation** - penalizing or retaliating against an individual or group who makes a good-faith report of harassment, as defined by this policy, or who cooperates in the investigation of a claim or is allied to someone who does

Examples of inappropriate and potentially harassing workplace behaviors include:

- using or maintaining sexually explicit or offensive screen savers or other computer files
- displaying offensive objects or "knick-knacks"
- telling "off color" jokes or joking about someone's age
- making derogatory remarks based on someone's gender/sex, race, national or ethnic origin, birthplace or ancestry, color, religion, age, disability, sexual orientation or perceived sexual orientation
- sending or forwarding derogatory email messages that reference gender/sex, race, national or ethnic origin, birthplace or ancestry, color, religion, age, disability, sexual orientation or perceived sexual orientation
- Inappropriate comments posted about a colleague or student on a social networking site.

Behavior that may not necessarily be unwelcome to a particular individual (such as joking or banter) but which refers to gender, race, national/ethnic origin, color, religion, age, disability, or sexual orientation in a demeaning or insulting way is inappropriate in the College workplace and is prohibited. Furthermore, employees are expected to use good judgment and to interact with colleagues and students in a professional manner when using social networking sites.

Prohibited behaviors as defined above are unacceptable in the workplace both during the work-day and during College-sponsored events such as off-campus business meetings or conferences, and receptions or other social events.

Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the College's educational mission. Speech, or other expressions, occurring in an instructional or research context will not be considered to constitute harassment as prohibited by this policy, unless, in addition to satisfying the definition above, it is targeted at a

Personal Relationships

In order to maintain a safe and respectful learning and working environment, faculty, professional staff, and students are expected to interact with each other in a professional manner. Romantic or sexual relationships between College employees and students, as well as supervisors and those they supervise, may negatively affect learning, department performance, and morale; create conflicts of interest; and may lead to claims of sexual harassment, abuse of power, or favoritism. **Therefore, romantic or sexual relationships between College employees and students, and between supervisors and those they supervise, even when consensual, are not permitted.** Please see the [Conflicts of Interest Policy](#) for further information.

Harassment of Students

Harassment of students is strictly prohibited. Students are to promptly report suspected harassment, assault, or rape to the College's Title IX Coordinator at titleix@fandm.edu.

Members of the faculty and staff, and other individuals, who witness or become aware of possible harassment of a student by a College employee or other individual affiliated with the College are to immediately notify the College's Title IX Coordinator at titleix@fandm.edu.

Harassment by a College Visitor

Harassment of employees or students by a visitor to the College, a trustee of the College, a College volunteer, a contractor, or a vendor to the College is strictly prohibited.

Harassment of an *employee* is to be promptly reported to the Title IX Coordinator or to the Associate Vice President for Human Resources, [\(717\) 358-4278](tel:7173584278). Harassment of a *student* is to be reported to the College's Title IX Coordinator at titleix@fandm.edu.

Visitors who harass employees or students in a manner prohibited by this policy will be required to leave College premises, and may be prosecuted to the full extent of the law.

Procedures for Reporting Suspected Discrimination, Harassment and Sexual Violence

The Title IX Coordinator has College-wide responsibility for assuring that complaints of harassment and sexual violence are investigated in a prompt, thorough, and equitable manner, and for meeting the College's legal obligations in any harassment or sexual violence matter related to Title IX. Any member of the College community may at any time report harassment, including violence, to the Title IX Coordinator at titleix@fandm.edu.

Reports may also be made as outlined below.

In situations where personal safety is clearly *not* at risk, an employee or student who believes they have been subjected to harassment or discrimination by a member of the faculty or staff; a supervisor, manager, or department chair; or third party is encouraged to clearly communicate to the alleged offender that the behavior is unwelcome, but must still report the harassment as directed below. If the individual does not feel comfortable doing so, or if the matter involves conduct such as sexual assault, they are to follow the procedures described below.

Suspected Harassment of a Member of the Faculty or Professional Staff

Faculty and staff who believe they are being harassed in violation of this policy or who believe another member of the faculty or staff is being harassed are to report that information to one of the following:

- The Title IX Coordinator, titleix@fandm.edu
- The Associate Vice President for Human Resources, [\(717\) 358-4278](tel:(717)358-4278)
- The Provost and Dean of the Faculty (for faculty members making reports), [\(717\) 358-3986](tel:(717)358-3986)

Suspected Harassment of a Franklin & Marshall Student

- The Title IX Coordinator, titleix@fandm.edu

Members of the faculty and staff, including supervisors, managers, and department chairs, who witness harassment or discrimination in violation of this policy, or become aware that inappropriate workplace harassment or discrimination may be occurring, are required, per this policy and federal law, to promptly notify the Title IX Coordinator, who will notify the Associate Vice President for Human Resources, when a College employee is involved.

Reporting Suspected Criminal Activity

Any suspected criminal activity involving, or witnessed by, a member of the College community is to be immediately reported to the Department of Public Safety, (717) 358-3939. Employees and students are also encouraged to report suspected criminal activity to the appropriate law enforcement official.

Please note: Members of the faculty and staff should also see the College's [Mandated Reporters Policy](#) for important information about reporting suspected assault, abuse, and other crimes. As noted above, any suspected criminal activity should be reported to the Department of Public Safety.

Investigation and Grievance Procedures

When the College receives a complaint of harassment, discrimination, or sexual violence as defined by this policy, it will conduct a prompt, thorough, and impartial investigation. The Title IX Coordinator will determine to whom to assign the responsibility to investigate as described in greater detail herein. The investigation will typically involve interviewing the individual who believes they have been harassed; interviewing the individual who has been accused; and interviewing any witnesses or those who are believed to have relevant information about the claim. As this is a College process, the parties will provide lists of relevant witnesses to the investigator(s) for the College, who in turn will contact the witnesses as appropriate.

When the individual making a claim or the accused is a member of the faculty, the investigation will typically be assigned to the Provost's Office with oversight by the Title IX Coordinator. In

information. The individual who made the claim and the individual who was accused will be notified, in writing, of the outcome of the investigation. Any corrective action toward a faculty member will be determined based on procedures set forth in the *Faculty Handbook*.

When a claim involves an employee of the College other than a faculty member, the investigation will typically be assigned to the Associate Vice President for Human Resources.

The Title IX Coordinator may delegate responsibility for the investigation to another member of the professional staff, or an expert external to the College, as appropriate. The individual who made the claim and the individual who was accused will be notified, in writing, of the outcome of the investigation.

Any corrective action toward a member of the professional staff will be based on standard College policies and practices. The College, in its sole discretion, makes disciplinary decisions.

During the course of an investigation, the individual conducting the investigation and/or the Title IX Coordinator may consult with or notify the College's General Counsel; the College President; the Provost; the Vice President and Dean of Student Affairs; the Dean of Students; the Associate Vice President for Human Resources; the Associate Vice President, Public Safety; outside legal counsel or expertise; or other individuals as appropriate.

The privacy of all those involved, including the complainant and the respondent, will be protected to the extent possible. Only those with a business need-to-know will be involved in the investigation.

When a complaint is filed by a student who requests that their name or other identifiable information not be revealed, the Title IX Coordinator will evaluate that request in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students. If confidentiality cannot be assured, the Title IX Coordinator or investigator will so notify the student.

Employees questioned by the College during the course of an investigation are expected to provide their full cooperation, to be truthful and to observe confidentiality and non-retaliation. In turn, it is the expectation of the College that all those involved in an investigation, including the

In cases involving unusually serious conduct or a clear risk of retaliation, the College will take measures to protect the complainant from harm or retaliation, such as a temporary no contact order, or other reasonable interim measures.

The College will conclude its investigation as promptly as possible. In rare cases where the matter presents particular complexities or the unavailability of witnesses, the time period may be extended. All investigations will offer an equal opportunity for the accuser and the accused to present relevant witnesses and other evidence. At the conclusion of the investigation, appropriate administrators of the College will determine whether a violation of this policy occurred using a preponderance of the evidence standard.

The complainant and respondent will be apprised of the outcome of the investigation in writing. If either the individual making the complaint or the respondent is not satisfied with the results of the investigation, they may file an internal complaint by submitting an appeal to either the Provost (for faculty) or the Director of the Office of the President (for professional staff) within ten days of receipt of the outcome, which shall be decided upon in a timely manner.

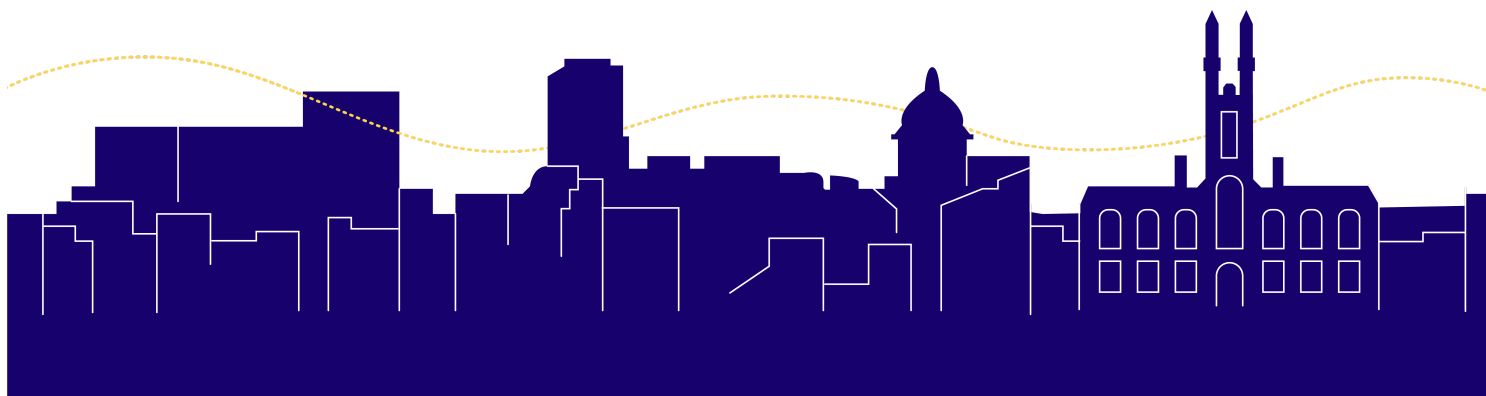
If the complaint of harassment is found to have merit, appropriate action will be taken against the individual(s) responsible for a violation of this policy, up to and including immediate termination of employment. As noted above, faculty disciplinary matters will be handled per procedures outlined in the *Faculty Handbook*.

No retaliation will be taken or permitted against an employee or student who makes a good-faith report of harassment, or toward anyone who cooperates in the investigation of the complaint. Allegations of retaliation should be reported to the same individuals to whom reports of harassment and sexual violence are to be made, as outlined above.

The internal reporting procedure described above is to be followed so discrimination and harassment can be dealt with promptly by the College. Employees also have the right to file a complaint of unlawful discrimination or harassment with the Pennsylvania Human Relations Commission and the federal Equal Employment Opportunity Commission. Complaints filed with the Pennsylvania Human Relations Commission must be filed within 180 days of the last instance of unlawful harassment. Employees who file a charge with the Equal Employment Opportunity

Policy Maintained by: Human Resources, Associate Vice President

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