

ADMINISTRATIVE POLICIES

AD91 Non-Discrimination Policy**Policy Status:** Active**Subject Matter Expert:** Suzanne Adair, [814-863-0471](tel:814-863-0471), sca917@psu.edu**Policy Steward:** Senior Vice President and Chief of Staff**Contents**

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I. POLICY STATEMENT

The Pennsylvania State University (the “University” or “Penn State”) does not discriminate, nor permit discrimination, in any Education Program or Activity, including with respect to applications for enrollment and/or employment. The University prohibits Discrimination, Discriminatory Harassment, and related Retaliation (collectively, “Prohibited Conduct”) against any person because of their actual or perceived age, race, color, ancestry, national origin, [1] sex, sexual orientation, gender, gender identity or expression, physical or mental disability, religion, military status, veteran status, marital or family status, pregnancy, pregnancy-related conditions, genetic information, or any other lawfully protected characteristic (each a “Protected Class”). Such conduct violates the dignity of individuals, impedes the realization of the University’s educational mission, and will not be tolerated.

This Non-Discrimination Policy (the “Policy”) is intended to satisfy the University’s commitments under federal, state, and local civil rights laws including, but not limited to, Title VII of the Civil Rights Act of 1964; Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972 (“Title IX”); [2] Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities

Act, as amended; [3] the Age Discrimination in Employment Act of 1967 and the Age Discrimination Act of 1975; and the Pennsylvania Human Relations Act (collectively, “civil rights laws”).

The University has adopted grievance procedures – the informal and formal resolution processes described in this Policy and its accompanying procedures (the “AD91 Procedures,” Appendix A) – and encourages individuals who have been affected by Discrimination, Discriminatory Harassment, and/or Retaliation to promptly make a Report to the University using any of the reporting options described in this Policy. The University will respond promptly and equitably to all Reports of Discrimination, Discriminatory Harassment, and/or Retaliation, and will take appropriate steps to eliminate the behavior, prevent its recurrence, and address its effects.

II. APPLICABILITY

This Policy applies to all members of the University community, including Employees (faculty and staff, including tech service staff), Students, applicants for admission or employment, suppliers/contractors, participants in Education Programs or Activities, volunteers, visitors, and trustees. This Policy applies to any alleged Prohibited Conduct that impacts the Penn State community and/or Education Program or Activity wherever it occurs, including on campus, off campus, and online. The process available to address potential violations of this Policy, however, varies depending on the status and affiliation of the Complainant and/or Respondent.

The University has revised its policies and procedures pertaining to civil rights laws generally, and Discrimination, Discriminatory Harassment, and related Retaliation specifically, on several occasions. Final decisions regarding which policy and procedures will apply in any specific case are made by the University in its discretion and in accordance with applicable law and/or regulation.

III. PROHIBITED CONDUCT

(a) Discrimination: Subjecting an individual or group to adverse action – including differential or unequal treatment – based on actual or perceived Protected Class.

(b) Discriminatory Harassment: Unwelcome conduct (including oral, written, electronic, graphic, or physical conduct) based on actual or perceived Protected Class that is sufficiently **severe** or pervasive as to limit or deny an individual’s opportunity to participate in or benefit from a University Education Program or Activity (including adversely affecting a term or condition of the individual’s employment) by creating a **Hostile Environment**.

(c) AD91 Sexual Harassment: A form of Discriminatory Harassment including Hostile Environment Sexual Harassment and, Quid Pro Quo Harassment, as defined herein; and, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in [Policy AD85](#).

AD91 Sexual Harassment:

1. Hostile Environment Sexual Harassment: Unwelcome conduct on the basis of sex determined by a reasonable person to be so **severe** OR pervasive, evaluated subjectively and objectively, that it limits or denies a person equal access to the University’s Education Program or Activity. Such conduct may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, sexual exploitation (including dishonesty or deception regarding the use of contraceptives or condoms during the course of sexual contact or sexual activity), sexual coercion, the touching of an unwilling person’s intimate parts, and forcing an unwilling person to touch another’s intimate parts.
2. Quid Pro Quo Harassment: An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct. Whether or not the individual submits is not an element of the offense.
3. Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in Policy AD85, when:
 1. the conduct did not occur within the United States and/or as part of a University Education Program or Activity (as defined here and in [Policy AD85](#)), and/or

2. where the Complainant is not participating or attempting to participate in a University Education Program or Activity at the time of the Complaint but was participating or attempting to participate in a University Education Program or Activity at the time of the alleged Sexual Harassment.

All allegations of Sexual Harassment, including AD91 Sexual Harassment, in which the Respondent is a Student are addressed pursuant to [Policy AD85](#). Allegations of Sexual Harassment in which the Respondent is an Employee are also addressed pursuant to [Policy AD85](#), unless the allegations do not meet the AD85 criteria. Allegations of Sexual Harassment in which the Respondent is an Employee that do not meet the AD85 criteria are addressed pursuant to this Policy and the AD91 Procedures (Appendix A).

Retaliation: Intimidation, threats, coercion, and discrimination against any individual for the purpose of interfering with any right or privilege secured by applicable civil rights law, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

All allegations of Retaliation for exercising rights pursuant to or engaging in the process set forth in this Policy shall be handled in accordance with [Policy AD67](#). Any allegations of Retaliation in connection with conduct which is, under this Policy or other University policy, being addressed pursuant to [Policy AD85](#), are, however, also addressed in accordance with Policy AD85.

IV. OTHER DEFINITIONS

Complainant: An individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct.

Complaint: A request by a Complainant that the University investigate an allegation of Prohibited Conduct against a Respondent. It is the University's practice to confirm all Complaints with the Complainant prior to commencing a formal resolution process (investigation and adjudication), including memorializing complaints made verbally in writing. Specifically, the Office of Equal Opportunity and Access (OEOA) or the Office of Ethics and Compliance (OEC) as applicable, will prepare a written statement of the allegations, and the Complainant will be required to acknowledge its accuracy in writing.

A Complainant must have been enrolled, employed, or otherwise participating or attempting to participate in a University Education Program or Activity at the time the alleged Prohibited Conduct occurred in order to file a Complaint under this Policy, although the Complainant need not be enrolled, employed, or otherwise participating or attempting to participate in a University Education Program or Activity at the time the Complaint is made.

Disciplinary Sanctions: Consequences imposed on a Respondent following a determination that the Respondent is responsible for having engaged in Prohibited Conduct.

Education Program or Activity: Includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Hostile Environment: This determination is based on the totality of the circumstances, subjectively and objectively, a fact-specific inquiry which may include many factors such as, but not limited to: the degree to which the conduct affected the Complainant's ability to access the Education Program or Activity; the type, frequency, and duration of the conduct; the parties' ages, roles, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the alleged unwelcome conduct; the location and context in which the conduct occurred; and other similar conduct in the Education Program or Activity.

Relevant: Related to the allegations under investigation as part of the grievance procedures under this policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged incident(s) occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged incident(s) occurred.

Remedies: Measures provided, as appropriate, to a Complainant or other person whose equal access to a University Education Program and/or Activity was determined to have been limited or denied by Prohibited Conduct, in order to restore or preserve that person's access.

Report: Any notice of conduct that may constitute Prohibited Conduct. A Report may come from any individual, not just a Complainant. Not every Report is or will result in a Complaint.

Respondent: An individual who has been alleged to have engaged in conduct that could constitute Prohibited Conduct. In the event a Complaint or Report against an individual Respondent is based on actions the Respondent took in accordance with a University policy or practice, the University may, in its discretion, dismiss the Complaint or Report against the individual Respondent and take other steps to assess whether the University policy or practice at issue discriminates on the basis of Protected Class. This determination will be made after a consideration of factors including, but not limited to, whether the individual was, in fact, following the University policy or practice; what actions the individual took; and whether the individual could be subject to Disciplinary Sanctions.

Student: For purposes of this policy, a student is any person who has accepted an offer of admission to the University or any person registered for or enrolled in a University academic course or program.

Student Employee: A person who is both a Student and an Employee of the University. When a Complainant or Respondent is a Student Employee, the University will undertake a fact- and circumstance-specific inquiry to determine how the matter will be adjudicated, including considering whether the primary relationship with the University is to receive an education or to engage in employment; whether the alleged Prohibited Conduct occurred while the person was performing employment-related work, including whether that work involved supervisory responsibilities; and whether the Respondent may experience a change in their Employee status and/or Student status if found responsible.

Support Person: An individual whom a Complainant or Respondent may choose to be present to provide support. The Support Person may not speak on behalf of the party, make a presentation, directly participate in the meeting, or interfere with any University process. A Support Person cannot be a party to the complaint, a potential witness, or otherwise have a conflict of interest. If, at any point, a Support Person becomes disruptive or fails to adhere to rules of decorum, the University reserves the absolute and non-appealable right to remove the Support Person from the meeting, and, if appropriate, from any future meetings. The Support Person must abide by all expectations pertaining to privacy and confidentiality. Failure to abide by such requirements will result in the removal of the Support Person and may result in disciplinary action if the individual is a University Employee or Student. For Employees, the Support Person may not be an attorney or act as legal counsel for the Complainant or Respondent. For students, the Support Person may be an attorney, but University personnel communicate and interact only with the parties and any witnesses, not with their attorneys. Delays will not normally be allowed due to scheduling conflicts with Support Persons.

Supportive Measures: Non-disciplinary, non-punitive individualized measures offered, as appropriate, as reasonably available, and without fee or charge, to a Complainant or Respondent. Supportive Measures are designed to restore or preserve equal access to the University's Education Programs and Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter further Prohibited Conduct. A person is not required to file a Complaint to receive Supportive Measures. Supportive Measures may include emotional support and counseling with a confidential resource, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, no-contact directives, emergency removal and other similar measures. The University will maintain as private any Supportive Measures provided to the extent that maintaining such privacy would not impair the ability of the University to provide the Supportive Measures or restore or preserve a party's access to the University's Education Program or Activity.

V. REPORTING PROHIBITED CONDUCT & CASE INTAKE

Designated University personnel are available to meet with any individual who makes a Report or Complaint about conduct that may constitute Discrimination, Discriminatory Harassment, AD91 Sexual Harassment, or related Retaliation, in order to provide information; on- and off-campus resources; and various procedural options ("Intake").

The University encourages anyone who becomes aware of possible Prohibited Conduct to promptly make a Report. Individuals are strongly encouraged to report incidents of alleged Prohibited Conduct as soon as possible. All Complaints must be submitted within 180 days of the date of the incident (or last incident, if part of an ongoing course of conduct). Complaints submitted after more than 180 days will be reviewed on a case-by-case basis to determine whether an exception will be granted for good cause. This determination will be made by the OEOA AVP or CECO (or their designees). The passage of time may impact the ability to gather information related to an incident.

Reporting Sexual Harassment and Related Retaliation

Reports of Sexual Harassment should be made using the methods listed on the [Title IX website](#) or by contacting the Title IX Coordinator directly at:

Title IX Coordinator (acting)

Amber Grove, Esq.

227 West Beaver Avenue, Suite 212

State College, PA 16801

814-867-0099

titleix@psu.edu

The University's mandatory reporting policy for incidents of Sexual Harassment is set forth in [Policy AD85](#).

Reporting Other Discrimination, Discriminatory Harassment, and Related Retaliation

All other Reports of Discrimination, Discriminatory Harassment, and related Retaliation should be made through one of the following methods:

- The University's Hotline, overseen by the Office of Ethics and Compliance: <https://universityethics.psu.edu/reporting-at-penn-state> (web and phone available)
- For incidents in which the Respondent is a University Employee or Third Party:

Office of Equal Opportunity and Access (OEOA)

227 West Beaver Avenue, Suite 502

State College, PA 16801

814-863-0471

oeoa@psu.edu

- For incidents in which the Respondent is a University Student:

Office of Ethics and Compliance (OEC)

227 West Beaver Avenue, Suite 212

State College, PA 16801

814-865-8353

psoc@psu.edu

All individuals affected by Prohibited Conduct under this policy are encouraged to report.

Supervisors and other University administrators who receive or become aware of information related to alleged Prohibited Conduct affecting or alleged to have been committed by University employees (faculty and staff) or University students are

strongly encouraged to submit a report.

Duplicate Reports

Reports submitted either through the OEC Hotline or the OEOA website are addressed by OEOA when the Respondent is a University Employee or Third party, and by OEC when the Respondent is a University Student, for all purposes (e.g., Intake, and any informal or formal resolution process). Individuals are discouraged from filing multiple Reports through various reporting options. All Reports will be routed through the same response protocol, and as such, duplicative reporting may prompt unnecessary confusion and delay.

Anonymous Reporting

Any individual may make an anonymous Report. This means that they may report an incident without disclosing their name, for example, or withholding certain details, including, but not limited to, the identity of the Respondent. However, depending on the information available about a reported incident, the University's ability to respond may be limited.

Amnesty for Students

The University strongly encourages Students to report incidents of Prohibited Conduct. A Student who makes a Report to the University or other appropriate authority (e.g., law enforcement) about experiencing Prohibited Conduct, or is reporting the experience of another, will typically not be subject to student conduct action related to their own possession or consumption of alcohol or other drugs in connection with the reported incident. As appropriate, involved Students may be required to complete an educational intervention to address concerns about the Student's substance use; any associated fees will be waived. See the [Penn State Responsible Action Protocols](#) for further information.

University Response to Reports

The University will review and respond to all Reports of Prohibited Conduct. Upon receiving a Report, a representative of OEC, OEOA, the Office of Sexual Misconduct Reporting and Response ("OSMRR"), or another University office, as applicable, will promptly contact the reporting party and/or the Complainant, if different, to provide information; advise them of the availability of Supportive Measures and on- and off-campus resources; and discuss the procedural options available. Complainants and Respondents are entitled to be accompanied by a Support Person at all meetings.

If the conduct alleged in a Report, if established, would not constitute a violation of this Policy, the Complainant will be informed of any other resources and options available, which may include referring the matter for action under a separate policy. In cases in which the Respondent is not a University affiliate and grievance procedures would not be available to the Complainant, the Complainant will be offered Supportive Measures and other action may be considered as appropriate, to assist the Complainant.

***** IN EMERGENCY SITUATIONS, CALL 911 *****

VI. REPORTING TO LAW ENFORCEMENT

If you are in immediate danger, or if you believe there could be an ongoing threat to you or the community, please call 911. For conduct that could also constitute a crime, a Complainant is encouraged – but not required – to contact the police by dialing 911 or the local police agency in the jurisdiction in which the alleged incident occurred. Contacting law enforcement to make a report allows for forensic evidence to be collected, including a Sexual Assault Response Team (SART) exam if needed, which may be helpful if a decision is made to pursue criminal charges.

The University will provide assistance in contacting local law enforcement authorities upon request. If the alleged incident occurred on the Penn State campus (and the alleged incident is not ongoing), individuals may contact Penn State University Police and Public Safety at its non-emergency telephone number [814-863-1111](tel:814-863-1111).

Making a report to law enforcement does not generally obligate an individual to pursue a criminal complaint, or to participate in a University process. An individual may choose to participate in a University process, an external criminal process, both, or neither. In the event that both criminal and University processes are at issue, the University may comply with law enforcement requests for temporary delays in the investigative process in order to permit law enforcement to gather evidence for a criminal investigation.

VII. COLLABORATION BETWEEN OEC, OEOA, AND OSMRR

All investigations and adjudications of Prohibited Conduct addressed pursuant to this Policy are undertaken by OEC, when the Respondent is a Student, and OEOA, when the Respondent is an Employee or Third party. Any Report or Complaint of Sexual Harassment may also be directed to OSMRR, even if it is ultimately addressed pursuant to this Policy and the AD91 Procedures, rather than [Policy AD85](#).

VIII. PRESUMPTION OF NON-RESPONSIBILITY AND GOOD FAITH REPORTING

The Respondent is presumed to be not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of a grievance process by a preponderance of the evidence (“more likely than not”).

Willfully making a false report of Prohibited Conduct, or providing false information in the course of a grievance process, is a violation of University policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report under this Policy, or providing false information, may be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

IX. FREE EXPRESSION AND ACADEMIC FREEDOM

The University is committed to its long-standing tradition of academic freedom and free expression. The University is an institution whose members may express themselves, while protecting and respecting the rights of others to learn, to conduct research, and to carry out the essential functions of the University free from interference or obstruction. When addressing Reports and Complaints of violations of this Policy, the University will take appropriate actions to respond appropriately while respecting academic freedom and the rights of free expression. See Policies [AC64](#), [AD47](#), and [AD51](#).

In the event a Report or Complaint alleges conduct which is determined – before, during, or at the conclusion of grievance procedures – to constitute protected speech only, the University will typically not make a finding of responsibility for a Policy violation or impose Disciplinary Sanctions, although Supportive Measures and informal resolution options may be available.

X. PRIVACY AND CONFIDENTIALITY

Although often conflated, privacy and confidentiality are distinct terms with distinct meanings. Privacy refers to the University's commitment to sharing information related to any Report or Complaint only:

- To a person with a legal right to receive disclosures of information, or with prior written consent;
- When necessary to effectuate this Policy, or to otherwise address conduct which reasonably may constitute Discrimination, Discriminatory Harassment, or Retaliation;
- As required by Federal law or regulation, including by the terms and conditions of a Federal award (e.g., a grant award or other funding agreement); and/or
- When required or permitted by State or local law or the Family Educational Rights and Privacy Act (“FERPA”).

In order to preserve privacy, documents prepared in connection with any investigation and/or adjudication under this Policy, including written materials as well as audio and/or audiovisual recordings or transcripts thereof, if any, may not be disclosed by

parties or others acting on their behalf other than as specifically provided for by the Policy and/or applicable procedures, and as may be required or authorized by law. Any violation of this provision may result in discipline. Other than this expectation, and the University's prohibition on Retaliation, the University will not restrict the ability of individuals to discuss the allegations prompting a Report or Complaint, including, but not limited to, for the purposes of obtaining and presenting evidence (such as by speaking to witnesses); consulting with family members, confidential resources, support persons or advisors; or otherwise preparing for or participating in any informal or formal process under this Policy.

In contrast to privacy, confidential communications are those exchanged with individuals belonging to certain professions (such as healthcare providers, professional counselors, or pastoral counselors) which require maintaining the confidentiality of communications disclosed to the individual in the context of providing professional services. Such individuals cannot disclose the content of those communications, or records of same, to any Third party without the disclosing individual's prior written consent, or if permitted or required by law or relevant professional ethical obligations (such as "duty to warn"). These communications are privileged under Federal or State law. Information about confidential resources on- and off-campus can be found on the [Office of Ethics and Compliance website](#).

XI. ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

If a party has a disability as defined by the ADA or Rehabilitation Act, that party is entitled to reasonable accommodations that would enable them to participate in all processes provided for under this Policy, including, but not limited to, making a Report or Complaint, and participating in an informal or formal resolution process. If a person with a disability requires such reasonable accommodations, they should promptly notify the University representative assigned to their case. A party should not assume that personnel are on notice that they have a disability, even if registered to receive accommodations through an academic or administrative unit of the University.

XII. INTERIM SEPARATION

A Respondent may be removed from the University's Education Program or Activity, or certain aspects thereof (such as, but not limited to, access to University facilities, work unit, housing, classes, and/or student activities), on an interim basis. For Student Respondents, this is in accordance with Section VIII ("Interim Action") of the [Student Code of Conduct](#).

The University may place an Employee Respondent on administrative leave, with or without pay, during the pendency of grievance procedures/a formal resolution process. If the University determines administrative leave is appropriate, the Employee Respondent will be provided with notice by their direct supervisor or unit head, along with the specific parameters for the leave.

XIII. PROCEDURES FOR THE RESOLUTION OF REPORTS AND COMPLAINTS

Allegations of Sexual Harassment With a Student Respondent

All allegations of Sexual Harassment (including AD91 Sexual Harassment) in which the Respondent is a Student are addressed by OSMRR pursuant to [Policy AD85](#).

Allegations of Sexual Harassment With an Employee Respondent

Allegations of AD91 Sexual Harassment in which the Respondent is an Employee are addressed by OEOA pursuant to this Policy and the [OEOA Discrimination and Harassment Complaint Procedures](#).

Allegations of Sexual Harassment that meet the criteria for Title IX in which the Respondent is an Employee are addressed by OEEOA as well, pursuant to [Policy AD85](#).

All Other Allegations of Discrimination, Discriminatory Harassment, and Related Retaliation

All other allegations of AD91 Discrimination, Discriminatory Harassment, and related Retaliation are addressed by [OEEOA](#) when the Respondent is an Employee and by [OEC](#) when the Respondent is a Student.

Allegations of Prohibited Conduct With a Third Party Respondent

When the Respondent is a Third party, meaning a person who is neither a University Student nor Employee (e.g., vendors, contractors, off-site internship personnel, etc.), grievance procedures are unavailable. However, the University will take measures to address the alleged behavior as appropriate and, if applicable, with the Respondent's employer, sponsor, host, or equivalent. In these cases, the matter will be addressed by OEEOA. When the Third party is affiliated with a student or student-related activity (e.g., a student's visitor, etc.), the matter may be addressed by OSMRR or OSACR.

Consolidation of Complaints

In cases in which allegations of Prohibited Conduct are connected to other alleged misconduct by the Respondent, which would ordinarily be addressed by another University policy, the University may, in its discretion, address all related conduct in a consolidated manner.

Similarly, the University may, in its discretion, consolidate Complaints of Prohibited Conduct brought against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party ("cross complaints"), where the allegations arise out of the same facts or circumstances.

When some of the conduct alleged would ordinarily be addressed pursuant to [Policy AD85](#), and the other conduct addressed pursuant to this Policy or another University policy, in the event of consolidation, all the consolidated conduct will be addressed pursuant to [Policy AD85](#).

When some of the conduct alleged would ordinarily be addressed by this Policy, and the other conduct addressed pursuant to another University policy (other than [Policy AD85](#)), all consolidated conduct will be addressed pursuant to this Policy.

XIV. EXTERNAL REPORTING TO GOVERNMENT AGENCIES

The University encourages all individuals with concerns to report them as provided for by this Policy. Inquiries about the application of civil rights laws to the University or questions regarding this Policy may also be directed externally to the following government agencies:

U.S. Department of Education Office for Civil Rights ("OCR")

Web: <http://www.ed.gov/ocr>

U.S. Equal Employment Opportunity Commission ("EEOC") (for employees)

Web: <https://www.eeoc.gov/>

Pennsylvania Human Relations Commission (“PHRC”)

Web: <https://www.pa.gov/agencies/phrc/contact-us>

XV. RECORDKEEPING

There is a seven (7) year retention period for records of any Supportive Measures provided, other actions taken in response to a Report or Complaint of Prohibited Conduct, and any informal or formal resolution processes undertaken and the results thereof (including any determinations regarding responsibility, any appeals and the results thereof, any Disciplinary Sanctions imposed on the Respondent, and any Remedies provided).

[1] Discrimination or Discriminatory Harassment based on race, color, ancestry, or national origin includes conduct based on actual or perceived (i) shared ancestry or ethnic characteristics or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity. This could include conduct such as use of ethnic or ancestral slurs; harassment for how a person looks, dresses, or speaks in ways linked to ethnicity or ancestry (e.g. skin color, religious attire, language spoken, tribe, caste, ethnoreligious identity, or any other physical, cultural, linguistic or social characteristics of a group from which a person descends); or stereotypes based on perceived shared ancestral or ethnic characteristics.

[2] Title IX provides: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” This Policy considered in conjunction with [Policy AD85](#), as discussed further below, represents the University’s Title IX compliance policies and address, respectively, Discrimination and Discriminatory Harassment based on sex, and Sexual Harassment.

[3] Just as this Policy is, for sex-based conduct, intended to be considered in conjunction with Policy AD85 (see n. 2, above), this Policy also, for conduct related to disability, adheres to federal Section 504 regulations. Discrimination and Discriminatory Harassment based on disability are addressed under this Policy, while other issues, such as, but not limited to, the denial of a requested accommodation; the alleged inadequacy of an accommodation; and/or the inaccessibility of an Education Program or Activity due to disability are addressed under the Section 504 Grievance Procedures. Final decisions regarding which policy and procedures will apply in any specific case are made by the University in its discretion and in accordance with applicable law and/or regulation and are not appealable.

CROSS REFERENCES

[Office of Ethics and Compliance](#)

[Office of Equal Opportunity and Access](#)

[Office of Sexual Misconduct Reporting & Response](#)

[AD47](#) - General Standards of Professional Ethics

[AC64](#) - Academic Freedom

[AC70](#) - Dismissal Procedure for Tenured and Tenure-Eligible Faculty Members

[AD02](#) - Non-University Groups Using University Facilities

[AD51](#) - Use of Outdoor Areas for Expressive Activities

Most Recent Changes:

- December 2, 2025 – Policy title change. Process changes. Updated prohibited conduct, definitions, and areas of responsibility. Editorial changes.

Revision History (and effective dates):

- August 17, 2023 - Editorial changes, updated procedure followed for student-related cases, name change for Office of Sexual Misconduct Prevention and Response to Office of Sexual Misconduct Reporting and Response, name change for Affirmative Action Office to Office of Equal Opportunity and Access.
 - January 4, 2023 - Updated name and contact information for Title IX Coordinator.
 - August 19, 2022 – Editorial changes, updated prohibited conduct, added terms and definitions, name change for *Office of Student Conduct* to *Office of Student Accountability & Conflict Response*. December 13, 2021 - Updated name of Title IX Coordinator.
 - June 21, 2021 - Editorial changes. Changed Proceedings to Procedures in title: Employee and Third-Party Procedures for Reports of Non-Title IX Sexual and Gender Harassment and Other Forms of Discrimination. Updated link in this same section.
 - February 11, 2021 - Editorial changes. Reference to HR64 changed to AC64.
 - December 7, 2020 - Updated link to Affirmative Action website in Cross References section.
 - August 14, 2020 - Editorial changes to reflect language required by new Title IX regulations.
 - August 24, 2018 - Editorial changes to update personnel information for the Title IX Coordinator and the Athletics Integrity Officer.
 - May 14, 2018 - Editorial changes to update hyperlinks.
 - August 22, 2017 - Title IX Coordinator and Deputy Title IX Coordinator personnel changes.
 - September 29, 2016- New Policy. Verbiage addressing general discrimination and harassment and related inappropriate conduct has been moved from AD85 to create this new policy.
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