

VI.E. Sexual Harassment Policy

(Source: Office of the President, Almanac, December 6, 1988; revised, Almanac, November 7, 1995; Offices of the President and Provost, revised, Almanac, February 3, 2004)

Our community depends on trust and civility. A willingness to recognize the dignity and worth of each person at the University is essential to our mission.

It is the responsibility of each person on campus to respect the personal dignity of others. We expect members of our University community to demonstrate a basic generosity of spirit that precludes expressions of bigotry.

Penn properly celebrates the diversity of its community. We come to Penn from many different backgrounds and include different races, religions, sexual orientations, and ethnic ancestries. Learning to understand the differences among us, as well as the similarities, is an important dimension of education, one that continues for a lifetime. Tolerance alone, however, is not enough. Respect and understanding also are needed. We should delight in our differences, and should seek to appreciate the richness and personal growth which our diversity provides to us as members of this community.

The University is committed to freedom of thought, discourse and speech, and the attainment of the highest quality of academic and educational pursuits and daily work. Policies and regulations implementing this commitment include the Statement on Academic Freedom and Responsibility, the Guidelines on Open Expression, and the Code of Academic Integrity.

The University also has established policies on behaviors that interfere with these freedoms. Foremost among these policies is the University's Statement on Non-Discrimination, which prohibits discrimination on the basis of race, color, sex, sexual preference, religion, national or ethnic origin, handicap or disability.

The University also has adopted a policy concerning sexual harassment. The terms "harassment" and "sexual harassment" as used throughout are defined as a matter of University policy, and are not necessarily identical or limited to the uses of that term in external sources, including governmental guidelines or regulations.

Purposes and Definitions

A. Purposes

For many years the University has stressed that sexual harassment is not tolerated at Penn. As an employer and as an educational institution, the University is committed to eradicating sexual harassment.

Sexual harassment in any context is reprehensible and is a matter of particular concern to an academic community in which students, faculty, and staff must rely on strong bonds of intellectual trust and dependence.

B. Definitions

For the purposes of University policy, the term "sexual harassment" refers to any unwanted sexual attention that:

1. Involves a stated or implicit threat to the victim's academic or employment status;
2. Has the purpose or effect of interfering with an individual's academic or work performance; and/or
3. Creates an intimidating or offensive academic, living, or work environment.

The University regards such behavior, whether verbal or physical, as a violation of the standards of conduct required of all persons associated with the institution. Accordingly, those inflicting such behavior on others are subject to the full range of internal institutional disciplinary actions, including separation from the University. Likewise, acts of retaliation shall be subject to the same range of disciplinary actions.

Not every act that might be offensive to an individual or a group necessarily will be considered as harassment and/or a violation of the University's standard of conduct. In determining whether an act constitutes harassment, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom and advocacy.

Resources

School and administrative units should make known to all of their members the available resources and the informal and formal procedures for resolving complaints of sexual harassment within the unit or at the University level. These resources include the following:

A. Information, Counseling, and Support

The following University resources are available to members of the University community who seek information and counseling about University policies on sexual harassment, standards of behavior, informal and formal mechanisms for resolving complaints and resources for complainants and respondents.

Office of Affirmative Action and Equal Opportunity Programs
African American Resource Center

Penn Behavioral Health Employee Assistance Program
Lesbian Gay Bisexual Transgender Center
Division of Human Resources, Office of Labor Relations
Office of the Ombudsman
Division of Human Resources, Office of Staff Relations
Division of Public Safety, Special Services
Penn Women's Center
Student Health Services
Counseling and Psychological Services
Office of the Vice Provost for University Life

B. Informal Mechanisms for Mediation and Resolution

The Ombudsman, the Office of Affirmative Action, the Penn Women's Center, all other offices named as resource offices in this policy, the Office of Student Conduct, the Office of Residential Living, department chairs, deans and administrative directors, the Provost, and the vice presidents are available to assist in the informal resolution of complaints.

C. Formal Mechanisms for Resolution and Adjudication

When informal resolution is not chosen or is unsatisfactory, complainants are urged to use appropriate formal mechanisms described below.

1. Complaints of sexual harassment against a faculty member, instructor, or teaching assistant may be brought by a student, staff, or faculty member to the department chair or dean of the faculty member. The department chair or dean who receives a complaint is then charged with pursuing the matter. While the process depends on the particulars of the complaint, normally the department chair or dean interviews the faculty member. If the matter is not resolved informally, the department chair or dean either conducts an investigation or requests that the Ombudsman, the Office of Affirmative Action, the Office of Staff Relations, or the Office of Labor Relations do so. If the results of the investigation persuade the dean or department chair that sanctions are warranted, he/she consults with faculty members--without disclosing the identity of the individuals involved--to aid in determining an appropriate sanction, including whether there is substantial reason to believe that just cause exists for suspension or termination. If it is determined that action should be taken to suspend or terminate, the dean should follow the procedures set out in Section II. E.16 of this Handbook.

2. Complaints of sexual harassment against a staff member may be brought by a student, staff member or faculty member to the supervisor of the person complained against. The supervisor who receives the complaint is then charged with pursuing the matter. While the process will depend on the particulars of the complaint, normally the supervisor interviews the staff

member. If the matter is not resolved informally, the supervisor either conducts an investigation or requests that the Ombudsman, the Office of Affirmative Action, the Office of Staff Relations, or the Office of Labor Relations do so. If the result of the investigation persuades the supervisor that sanctions are warranted, he/she consults with his/her colleagues or supervisor without disclosing the identity of the individual(s) involved to aid in determining an appropriate sanction. A staff member who believes that his/her rights have been violated directly by another staff member or administrator may file a grievance by contacting the Office of Staff Relations within the Office of Human Resources under the University of Pennsylvania Staff Grievance Procedure.

3. Complaints by students of sexual harassment may be made to the Office of the Vice Provost for University Life. Grievances associated with sexual harassment in student employment may also fall within the purview of the Vice Provost for University Life.

4. A complaint of sexual harassment may be brought against a student by filing a complaint under the Charter of the University Student Judicial System, or, if the respondent is a graduate or professional student enrolled in a school that has established a hearing board or other decision-making body, with that body.

5. A tenured or untenured faculty member, whether full or part time, who believes he/she has been subjected to sexual harassment by a faculty member or by an academic administrator may file a grievance under the Faculty Grievance Procedure (part II E. 12 of this Handbook), provided the complaint constitutes a grievance as defined in Section I of the Procedure. This procedure is administered by the Faculty Grievance Commission. The panel makes its recommendations to the Provost. In cases that involve reappointment, promotion or tenure, and in which the Provost has declined or failed to implement the recommendations of the panel to the satisfaction of the grievant, the grievant may obtain a hearing before the Senate Committee on Academic Freedom and Responsibility on the actions of the Provost.

D. Central Reporting of Sexual Harassment

1. The University's decentralized system of resources is designed to encourage the reporting and resolution of complaints of sexual harassment. However, in order to enable the Administration to identify patterns of sexual harassment in a particular location and the increased frequency of such incidents in a given area of the University, the Executive Director of the Office of Affirmative Action and Equal Opportunity Programs shall, on a semiannual basis, convene a meeting of representatives from the offices and centers listed in paragraph III.A. above to review and report on sexual harassment across the University based upon the reports or complaints of sexual harassment that they have handled formally or informally within their area. Such information can then be

transmitted to the appropriate deans or administrative supervisors as appropriate. Any reports shall protect the privacy of the complainants and responsible parties involved in each reported case of sexual harassment.

2. Based on the information shared at the semi-annual meetings discussed above, and any reports to deans or other administrative supervisors during the previous year, the Executive Director shall annually submit to the President, by September 15 of the academic year, a summary report describing the incidence of sexual harassment. This report may include recommendations based on the information as warranted. At the discretion of the President, the report may be shared with the University community early in the semester.

E. Education and Prevention

The prevention of sexual harassment and the establishment of effective procedures with due concern for all parties require a thoughtful educational program.

1. University resource offices shall provide to the community information on: (a) available mediation and resolution resources; and (b) sources of support and information for victims and respondents.

2. Deans and heads of major administrative units are encouraged to discuss this policy and issues of sexual harassment at meetings of faculty and staff.

3. Training programs for residential advisors, senior administrative fellows, those who meet students in crisis situations and others serving in an advisory capacity to students shall include training about referrals, resources, and methods for handling instances of sexual harassment.

4. An overall educational program for students that addresses issues of peer sexual harassment and also provides information, definition, support, and the identification of sexual harassment resources has been developed by the Office of the Vice Provost for University Life, the Office of Affirmative Action, and the Penn Women's Center in conjunction with the Office of Residential Living and the Residential Faculty Council. Such an educational program is directed toward new undergraduate and graduate and professional students.

5. The University shall publish annually the operative portions of this policy statement, including information about the resources available to advise, counsel, and assist in the mediation of sexual harassment allegations. Information shall explain how and where to contact University-wide and school-specific resources and shall be posted in conspicuous locations. All members of the University should feel a responsibility to try to prevent sexual harassment whenever they observe it. Community members should report

sexual harassment to appropriate University resources promptly for appropriate action.

F. Exit Interviews

Deans and administrative directors shall periodically survey departing students, faculty and staff to measure the existence and frequency of reports of sexual harassment. Based on the data yielded by these surveys and the annual reports of the Executive Director of Affirmative Action and Equal Opportunity Programs, the University administration shall determine, in consultation with the University Council, whether there is a need for further efforts to be taken on the issue of sexual harassment.

G. Implementation

Deans and administrative directors shall be responsible for the implementation of this policy. The Provost and President will oversee the performance of deans and directors in the implementation of this policy.

VI.F. Consensual Sexual Relations Between Faculty and Students

(Source: Resolution of the Executive Board of Trustees, February 13, 1970; Office of the President, Almanac, July 12, 1994; revised, Almanac, September 7, 1999; Offices of the President and Provost, revised Almanac, March 1, 2005)

The relationship between teacher and student is central to the academic mission of the University. No non-academic or personal ties should be allowed to interfere with the integrity of the teacher-student relationship. Consensual sexual relations between teacher and student can adversely affect the academic enterprise, distorting judgments or appearing to do so in the minds of others, and providing incentives or disincentives for student-faculty contact that are equally inappropriate.

For these reasons, any sexual relations between a teacher and a student during the period of the teacher/student relationship are prohibited. The prohibition extends to sexual relations between a graduate or professional student and an undergraduate when the graduate or professional student has some supervisory academic responsibility for the undergraduate, to sexual relations between department chairs and students in that department, and to sexual relations between graduate group chairs and students in that graduate group. In addition, it includes sexual relations between academic advisors, program directors, and all others who have supervisory academic responsibility for a student, and that student. Teachers and academic supervisors who are sexually involved with students must decline to participate in any evaluative or supervisory academic activity with respect to those students.

The Provost, deans, department chairs and other administrators should respond to

reports of prohibited sexual relations that are brought to them by inquiring further and, if such reports appear to be accurate, initiating appropriate disciplinary action or remedial measures against the teacher or supervisor involved.

This policy supplements the University's policy on Sexual Harassment. In addition, although this policy prohibits consensual sexual relations only between a teacher/supervisor and that individual's student, the University strongly discourages any sexual relations between members of the faculty (or administration) and undergraduates.

VI.G. The University Alcohol and Drug Policy

(Source: Resolution of the Executive Board of Trustees, February 13, 1970; Office of the President, Almanac, July 12, 1994; revised, Almanac, September 7, 1999; Offices of the President and Provost, revised, Almanac, March 1, 2005)

The University Alcohol and Drug Policy, like other standards of conduct applicable to the University community, is intended to further the educational mission of the University of Pennsylvania. The University is committed to fostering an environment that promotes the acquisition of knowledge and nurtures the growth of the individual. Each member of our intellectual community is responsible for his or her own actions and is expected to contribute to the Penn community and to respect the rights of others to participate in the academic and social life of the University. The following alcohol and drug policy, with its emphasis on individual and shared responsibility, healthy and informed decision-making, maintaining a caring environment, and the promotion of genuine dialogue, is adopted in this spirit.

This 2005 University Alcohol and Drug Policy supersedes and replaces both the previous Alcohol and Drug policy and the Greek Alcohol Management policy.

Students, staff and faculty may be subject to additional requirements and procedures set forth by their respective schools or departments, which may be stated in handbooks generated by those entities.

I. Standards of Conduct

Drugs The University of Pennsylvania prohibits the unlawful manufacture, distribution, dispensation, sale, possession or use of any drug by any of its students, employees in its workplace, on its premises or as part of any of its activities. This policy is intended to supplement and not limit the provisions of the University's Drug-Free Workplace policy (*see* section VI.H. in this Handbook).

Alcohol

A. General Rules Governing the Use of Alcohol