PA State System of Higher Education
Board of Governors

Effective: October 8, 2009

Policy 2009-03-A: *Non-Discrimination Policy*

See Also:
BOG Policy 2012-01: Conflict of Interest
BOG Policy 2014-01-A: Protection of Minors
BOG Policy 2020-02: Amorous Relationships

Adopted: October 8, 2009
Amended: July 15, 2021

A. Purpose

The Pennsylvania State System of Higher Education (PASSHE) is committed to creating and maintaining academic and work environments that are free from unlawful discrimination and sexual harassment.

B. Policy Standards

1. Each University President and the Office of the Chancellor will issue or amend, if necessary, their harassment, sexual harassment and discrimination policies to comply with this policy. All policies must comply with federal and state laws or regulations. Policies must contain the following minimum requirements:

    a. Definitions of harassment, sexual harassment and discrimination to include discrimination and harassment on the basis of race; color; religion; national origin; ancestry; sex; age; marital status; familial status; sexual orientation; gender identity and expression; genetic information; disability; status as a veteran; or any other characteristic prohibited under applicable federal or state law (hereinafter “protected categories”);

    b. Full contact information, including the name of the office and a point of contact for that office, where all complaints of harassment, sexual harassment and discrimination based on protected categories may be filed;

    c. An obligation on the part of management and administration to report any allegations of prohibited harassment, sexual harassment or discrimination to the appropriate office;

    d. Both informal and formal mechanisms for resolving allegations;

e. The ability for both the Complainant and the Respondent to be accompanied by advisors who are members of the campus community;

f. Due process that is consistent with the State System's obligations within all collective bargaining agreements or the Board of Governors' Merit Principles Appeal Policy;

g. Resources and support measures available to students and employees;

h. Warnings against retaliatory actions and that retaliation is a separate cause of action for potential discipline in addition to the underlying allegation;

i. A mandatory obligation to conduct employee training yearly in addition to training for new students and employee orientations. All faculty, staff, and administrators are required to participate in this training within 60 days of commencing employment and at least every year thereafter. The method of training is at the discretion of each university;

j. An obligation to disseminate all non-discrimination policies to employees and students in a manner that makes the information readily accessible. The method of distribution must include posting relevant policies on the university website. A location where hard copies of all policies may be obtained on campus is also to be indicated.

k. Procedural provisions that address the reporting of complaints when allegations involve the office charged with conducting investigations or the Office of the President so that accusations as to conflict of interest are avoided.

2. The chancellor shall publish a template non-discrimination policy for resolving complaints of harassment, sexual harassment and discrimination based on protected categories that may be adopted or adapted for use by universities.

3. The chancellor, in consultation with the Executive Leadership Group, shall adopt procedures, standards, related policies and guidelines, as necessary, for implementation of this policy as applicable to employees accused of violating the non-discrimination policy for resolving complaints of harassment, sexual harassment and discrimination.

C. Filing of Policies with the Office of Chancellor

Each University will send a copy of the non-discrimination polic(ies) adopted pursuant to the requirements of this policy to the Office of the Chancellor within 30 days of the adoption of the University's polic(ies) and at any time thereafter when amendments are promulgated.