

TEMPLE UNIVERSITY
BOARD OF TRUSTEES
POLICIES AND PROCEDURES MANUAL

Title: Policy on Preventing and Addressing Discrimination and Harassment

Policy Number: 04.81.11

Issuing Authority: Executive Office of the President

Responsible Officer: University Counsel

Date Created: January 8, 2010

Date Last Amended/Reviewed: July 2019

Date Scheduled for Review: January 2022

Reviewing Office: Office of University Counsel

Scope of Policy

The university is committed to providing a workplace and educational environment, programs, and activities, free of unlawful discrimination and harassment. This policy does not allow curtailment or censorship of constitutionally protected expression. This policy is based on federal and state laws, including but not limited to Executive Order 11246, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Genetic Information Nondiscrimination Act of 2008, and the Pennsylvania Human Relations Act.

Definitions

Complaint: Allegation(s) of discrimination, harassment, and/or retaliation, filed in good faith and in accordance with the complaint procedures of the university.

Discrimination: Disparate treatment of a person based on one or more of that person's Protected Characteristics/Statures, excepting any treatment permitted or required by law.

Harassment: Unwelcome conduct directed against a person based on one or more of that person's Protected Characteristics/Statures, which conduct is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in university programs or activities, and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

Protected Characteristics/Statures: Age, color, disability, marital status, national or ethnic origin, race, religion, sex (including pregnancy), sexual orientation, gender identity, veteran status and genetic information.

Supervisor: As used throughout this Policy, "supervisor" refers to any person who has authority to undertake or recommend tangible employment decisions affecting an employee or academic decisions affecting a student; or to direct an employee's work activities or a student's academic activities.

Policy

The university does not tolerate unlawful discrimination or harassment in the workplace, academic setting or its programs or activities based on an individual's age, color, disability, marital status, national or ethnic origin, race, religion, sex (including pregnancy), sexual orientation, gender identity, genetic information or veteran status. This policy is intended to be consistent with applicable federal, state and local laws and other university policies. This policy does not allow curtailment or censorship of constitutionally protected expression and will not be applied in a way that infringes upon an individual's constitutional rights of freedom of expression. The Office of Equal Opportunity Compliance ("EOC") is responsible for enforcing this policy on behalf of the university and has complaint procedures available to enable it do so.

All university employees are responsible for successfully completing the university's online non-discrimination, anti-harassment, and anti-retaliation training upon initial employment and from time to time thereafter as determined in the sole discretion of the president or the president's designee.

In addition, managers and supervisors are responsible for:

- knowing and understanding this policy;
- explaining this policy to persons under their supervision;
- taking appropriate action to prevent unlawful discrimination and harassment;
- being receptive to concerns and complaints of unlawful discrimination and/or harassment;
- taking appropriate action (including consultation with EOC, EO Ombudspersons, and/or the university's Title IX Coordinator) when they become aware of potential violations of this policy; and
- following up with a person, when appropriate, who makes a complaint of unlawful discrimination or harassment (in consultation with EOC, EO Ombudspersons, and/or Title IX Coordinator) to assure that person that the complaint was investigated and to determine the complainant's level of satisfaction with its resolution. A failure of a manager or supervisor to perform their responsibilities under this policy will be reflected in their performance evaluation and may subject them to disciplinary action, up to and including termination of employment.

Procedures: Any present or former employee of the university, student, applicant for admission or employment, or participant in a university program or activity, who believes they have been discriminated against or harassed in violation of law or this policy, in addition to seeking assistance from the Title IX Coordinator and/or Human Resources, may contact EOC to pursue a formal or informal complaint. Any such complaint should be made within 300 calendar days of the incident. This policy as well as the EOC complaint procedures are accessible online and in printed materials. In addition, this policy is included in online and live training offered by EOC, the Department of Human Resources, and the Division of Student Affairs.

For most complaints of unlawful discrimination or harassment, EOC will utilize the complaint resolution process outlined in the university's policy regarding Preventing and Addressing Sexual Harassment (policy no. 04.82.01).

Notes

1. **Dates of official enactment and amendments:**

2. **History:**

Initial Policy Effective Date: January 8, 2010

Last Amended: July 2019

3. **Cross References/Appendix:**

- Policy #04.82.01, Preventing and Addressing Sexual Harassment;
- Policy #04.82.02, Preventing and Addressing Sexual Misconduct;
- Policy #04.81.01, Ratification of Nondiscrimination Policy;
- Policy #04.81.02, Nondiscriminatory Policy as to Students;
- Policy #04.81.03, Ethnic Intimidation Policy
- Policy #04.83.01, Temple University AIDS Policy
- Policy #03.70.12, Student Conduct Code
- Policy #02.78.02, Temple University Faculty Handbook
- Temple University Employee Handbook