



LHU Policy No – LHU-49
Original Date – August 21, 2015
Last Review Date – April 16, 2020
Last Update Date – April, 16, 2020
Next 5-Year Review Date – April, 2025

Lock Haven University NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURE

I. Nondiscrimination Policy Statement

It is the policy of Lock Haven University to provide equal opportunity in employment and education to all individuals without regard to race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, handicap/disability, veteran status, or genetic information.

All employees, students, contractors, and vendors are to comply with federal laws, state laws, regulations, and policies that relate to nondiscrimination. The coverage of this policy extends to visitors on Lock Haven University campuses.

The University does not tolerate harassment on the basis of race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, handicap/disability, veteran status, or genetic information. It must be understood that the University will take action to prevent discrimination. The University encourages students, employees and all members of the campus community to report harassment to the University. The University is committed to conducting a prompt investigation of complaints of harassment. Any employee of the University found to be in violation of this policy will be subject to appropriate disciplinary action up to and including discharge. Students will be referred to the Office of Student and Residence Life for appropriate disposition up to and including dismissal from the University. Contracts of vendors are subject to all remedies.

II. Legal Authority

Discrimination on the basis of race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, handicap/disability, veteran status or genetic information is a violation of the U.S. Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*; Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681 *et seq.*; the Pennsylvania Human Relations Act, 43 P.S. § 951 *et seq.*; the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 791; the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*; the Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212; the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 *et seq.*; the Genetic Information Nondiscrimination Act of 2008,

42 U.S.C. § 2000ff *et seq.*, and/or the Pennsylvania Fair Educational Opportunities Act, 24 P.S. § 5001 *et seq.*

III. Definitions

Complainant: The person who is alleging the occurrence of discrimination.

Discrimination: An adverse employment or education related action or decision that is based on or motivated by an individual's race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, handicap/disability, veteran status, or genetic information.

Respondent: The person whose actions are alleged to have violated the nondiscrimination policy.

IV. Reporting

Complaints of discrimination by anyone, including by employees and students, should be made to the Office of Social Equity by contacting one of the following individuals:

Assistant Director of Human Resources,
East Campus, Room J100
Telephone: 570-484-2153 or Email: snm152@lockhaven.edu

Associate Vice President of Human Resources, Title IX Coordinator
East Campus J204
Telephone: 570-484-2014 or Email: dhill@lockhaven.edu

The Office of Social Equity will refer the complaint as appropriate.

Student allegations of discrimination against another student: If the complainant is a student making allegations against another student, the matter will be referred to the Dean of Student and Residence Life or his/her designee.

Student allegations of discrimination against the Disability Services Office: If the complainant is a student making allegations against the Disability Services Office, the student should utilize the grievance procedure outlined in the Disability Services Handbook.

Student allegations of discrimination in athletics under Title IX: If the complainant is making allegations concerning athletics, the matter will be referred to the Director of Equal Opportunity in Sports, Director of Athletics.

Student or employee allegations of discrimination related to access under American with Disabilities Act or Rehabilitation Act of 1973: If the complainant is a student or employee and has allegations related to access, the student or employee will be referred to the Director of Facilities.

Student or employee allegations of discrimination against an employee, contractor, or vendor: All complaints of discrimination (with the exception of a complaint against the President, the Associate Vice President of Human Resources, or the Assistant Director of Human Resources) shall be filed with the Assistant Director of Human Resources.

All complaints against the President, the Associate Vice President of Human Resources, and/or the Assistant Director of Human Resources will be addressed in consultation with the Office of the Chancellor of the Pennsylvania State System of Higher Education
Complaints alleging discrimination against the Office of Social Equity and/or the President shall be filed with the Office of the Chancellor, Pennsylvania State System of Higher Education (PASSHE) Dixon Center, Harrisburg, PA 17110, 717-720-4000.

IV. Complaint Procedure

Step 1

The complainant, who is an employee or student, contacts the Office of Social Equity (either the Assistant Director of Human Resources or the Associate Vice President of Human Resources, Title IX Coordinator) to report the alleged discriminatory incident. The complainant is encouraged to present the complaint in writing.

Step 2

Upon receiving a complaint of discrimination, Office of Social Equity will discuss with the complainant the opportunity to explore an informal resolution of the matter depending on the nature and severity of the complaint. Any complaint in which informal resolution was not explored or a complaint which was not resolved informally will be forwarded to the President or the President's designee for review. The President or the President's designee shall determine if an investigation of the complaint is warranted. If an investigation is conducted, it shall be adequate, reliable, and impartial.

Step 3.

An investigation will typically consist of individual interviews with the complainant, the respondent, and other individuals who may have knowledge relative to the complaint. The investigator(s) may also secure and evaluate any other information and materials relevant to the investigation. In most cases, the investigation will be completed within sixty (60) calendar days barring any unforeseen circumstances.

Note: All investigations will be conducted in accordance with collective bargaining agreements, if applicable.

Step 4

The investigator(s) shall prepare an investigatory report at the conclusion of the investigation. The investigatory report shall be sent to the President for review and determination concerning what, if any, further action is warranted.

Step 5

The complainant is informed in writing when there is a final disposition of the matter including any steps to prevent the recurrence of any prohibited actions and to correct discriminatory effects on the complainant and others, if appropriate.

The respondent is informed in writing when there is a final disposition of the matter.

Note: All investigation final disposition notices will be issued in accordance with collective bargaining agreements, if applicable.

V. Retaliation

The complainant and any other individual who participated in an investigation shall not be subjected to any form of retaliation from the Respondent or any other individual as a result of filing a complaint, providing witness testimony, reporting an occurrence of discrimination to which he/she was a witness, or protesting an act forbidden by this policy.

A separate investigation will be conducted concerning the retaliation. Any individual who has been found to have retaliated against any individual involved in the investigation will be subject to discipline up to and including discharge from University employment. If the individual is a student, the student shall be referred to the Dean of Student and Residence Life for appropriate action up to and including dismissal from the University.

VII. Confidentiality

In the interest of maintaining confidentiality, only parties (i.e. complainant, respondent, witnesses, etc.) will be included in the investigation. Details of the complaint, as well as the names of the individuals associated with the investigation, will be disclosed only when it is necessary in order to maintain and protect the rights of any party involved or as otherwise required by law or a collective bargaining agreement. The University will take reasonable measures to protect the confidentiality of any evidence obtained during investigations pursuant to this policy. However, the University cannot and does not guarantee that confidentiality will be maintained.

VII. False Charges/Complaints

Should it be determined that any person knowingly filed a false complaint or made false charges he/she may be subject to disciplinary action, up to and including discharge of employment. If the individual is a student, the student shall be referred to the Dean of Student and Residence Life for appropriate action up to and including dismissal from the University.

VIII. Dissemination of Policy

This policy is displayed on the University's website by clicking on the Social Equity tab at the bottom of the home page. A hardcopy of this policy is available at the following locations: The Office of the Associate Vice President of Human Resources, the Office of the Assistant Director of Human Resources, the Office of the Dean of Student and Residence Life, and the Office of the Director of the Clearfield Branch Campus. This policy is published in the LHU student handbook and the LHU employee handbook.

IX. Training

New employees will be required to participate in an unlawful harassment prevention training program within sixty (60) calendars days of appointment. Employees will be required to participate in an unlawful harassment prevention training program on a yearly basis.

X. Duty to Report Alleged Violations

All members of the University community must report any violations that may be subject to this policy. Any employee who is aware of any violation of this policy must report the alleged violation to the Office of Social Equity (either the Assistant Director of Human Resources or the Associate Vice President of Human Resources, Title IX Coordinator). Failure to report allegations of unlawful discrimination may result in disciplinary action, up to and including termination. It is the obligation of each student, faculty, and staff member to adhere to this policy as well as visitors, contractors or vendors who come to campus.

XI. External Complaint Options

Pennsylvania Human Relations Commission

- Pittsburgh Regional Office
301 Fifth Avenue
Suite 309, Piatt Place
Pittsburgh, PA 15222
412-565-5395
412-565-5711 TTY Users

Lock Haven University Nondiscrimination Policy

- Harrisburg Regional Office
333 Market Street, 8th Floor
Harrisburg, PA 17126-0333
717-787-9780
717-787-7279 TTY Users
- Philadelphia Regional Office
110 8th Street, Suite 501
Philadelphia, PA 19107
215-560-2496
215-560-3599 TTY Users

Equal Employment Opportunity Commission

- Pittsburgh District Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
1-800-669-4000
1-412-395-5904 TTY Users
- Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
1-800-669-4000
1-800-669-6820 TTY Users

U.S. Department of Education

- Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
Email: OCR@ed.gov

Approved by Dr. Robert M. Pignatello, President

Policy update:

- April, 16, 2020
- Personnel changes in Human Resources