

NON-DISCRIMINATION/NON-HARASSMENT POLICY (FACULTY)

Haverford College is committed to providing an employment and educational environment free from all forms of unlawful discrimination because of race, color, gender, religion, age, national origin, citizenship, disability, genetic information, sexual orientation, veteran status or any other characteristic protected by law. This policy applies to all aspects of the employment relationship, such as recruitment, selection, training, promotion, salaries, benefits, discipline, terminations, and all other terms and conditions of employment. The policy also applies to all aspects of a student's educational relationship with the College. In accordance with this policy, the College will make reasonable accommodations in accordance with applicable law where required because of an individual's religion or disability.

The College's policy also includes a prohibition against sexual harassment and harassment on account of any protected category. It applies to all discrimination and/or harassment arising out of the College's employment and educational environment, whether on campus, outside work assignments, or elsewhere. It applies to all members of the College community, including interactions among current and potential employees of the College, as well as interactions among employees and students. It applies to vendors and other third parties who are present on or visit the campus or who interact with members of the College community in connection with College activities. It governs all activity and forms of communication, including the use of telecommunications and computer devices and systems.

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

- submission to such verbal or physical conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
- submission to or rejection of such verbal or physical conduct is used as the basis for employment decisions affecting the individual or decisions regarding a student's education; or
- such verbal or physical conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

Some examples of what may constitute sexual harassment are: threatening or taking adverse employment actions or actions adverse to a student's education if sexual favors are not granted; demands for sexual favors in exchange for favorable or preferential treatment; unwelcome flirtations or advances; unwelcome physical contact; whistling, leering, improper gestures, or offensive remarks, including unwelcome comments about appearance; sexual jokes or other inappropriate use of sexually explicit or offensive language; the display in the workplace or classroom of sexually suggestive objects or pictures; using any telecommunications or computer system to send, receive, or exhibit unwelcome discriminatory and/or sexual displays, etc.

For purposes of this policy, other discriminatory harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, gender, religion, age, national origin, citizenship, disability, sexual orientation, veteran status or other characteristic protected by law, or that of his/her relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment, or unreasonably interfering with the individual's work or educational performance; or
- otherwise adversely affects an individual's employment or educational opportunities.

Some examples of such harassment are: using epithets, slurs, negative stereotypes, or threatening, intimidating or engaging in hostile acts that relate to a protected characteristic; purported jokes or pranks; placing on walls, bulletin boards or elsewhere on the College's premises, or circulating in the workplace verbal or written graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

Reporting Discrimination or Harassment Claims

The College strongly encourages prompt reporting of all incidents of alleged discrimination or harassment. All employees, including members of the faculty, are responsible for conducting themselves in accordance with this policy. Faculty members may report discrimination or harassment claims to the Provost, to any Associate Provost, to one of the College's Equal Employment Opportunity (EEO) Officers, or to the Director of Human Resources. Students and third parties may also make harassment complaints against faculty members under this policy. For purposes of this policy, the term "student" includes any student who is enrolled in a class at Haverford or is living in a Haverford dormitory. Students may report harassment complaints to the individuals listed above or to those individuals listed on the Title IX section of the Dean's office website. All employees have a responsibility to report suspected violations of this policy and to refer complaints that they receive to one of the individuals listed above. Complaints will be treated as confidential, consistent with the College's need to conduct an investigation as outlined below.

Resolving Complaints

When a complaint is referred to or received by the Provost, an Associate Provost, an EEO Officer or the Director of Human Resources, the College will conduct an adequate, reliable, and impartial investigation. The College will select the investigator. In most cases, this investigation should be completed within thirty (30) days. During the course of this investigation, any aggrieved party or parties and any party accused of discrimination or harassment will be interviewed and allowed to identify witnesses and other relevant evidence to support their accounts.

During the pendency of the investigation, in cases where the Provost determines that it is necessary, the Provost may make a request to the President to suspend the accused consistent with Section III J.2 above. Once the investigation is completed, the results will be reported to the Provost. After reviewing the results, the Provost will determine the appropriate action to be taken. In order to make that determination, the Provost may consult with an EEO Officer or other College official as he or she deems necessary. The Provost's options for appropriate action may include: (a) imposing minor sanctions consistent with Section III. J.4(b) above; (b) referring the parties on a voluntary basis to the Informal Resolution of Conflict Procedure described below; and/or (c) if the Provost believes that major sanctions may be appropriate, referring the matter to the President so that the dispute can be submitted to a formal hearing. In cases involving charges of sexual assault, the matter will typically proceed directly to a formal hearing after the investigation is completed. Once he or she has determined what action is appropriate, the Provost will inform the parties of the results of the investigation and advise them of the action to be taken. If the Provost should decide in a case not to refer the matter to the President for a hearing, the complaining party may appeal that determination to the President of the College with three (3) business days of being so advised by the Provost.

Informal Resolution of Conflict Procedure

In appropriate cases not involving a charge of sexual assault, the Provost may refer the dispute for resolution under the College's Informal Resolution of Conflict Procedure. In this process, the EEO Officer may attempt to mediate between the aggrieved person and the accused person with the goal of reaching a resolution to the complaint that would be satisfactory to both parties the EEO Officer, and the Provost. The EEO Officer is not required to have the parties meet for this purpose – he or she may decide to communicate with the parties separately. In the case of student complaints, however, no student shall be required to meet with the accused party without a mediator present. Either party can stop the informal process at any time.

Procedures for Formal Hearings

Once a dispute has been placed in the hands of the President, a panel will be convened within fifteen (15) days. The panel's purpose is to consider the facts and to make a recommendation to the President. The panel will consist of five persons chosen from a pool of fifteen representing the four segments of the community from which a complaint could arise. The pool will include five members of the faculty, five students, three members of the Staff Association, and two members of the administration. Two of the faculty representatives are to be elected by the faculty for two year terms, which will be staggered, and three are to be appointed by Academic Council.

The President will ask each of the parties to the case to choose one person from this group to participate on the panel. After receiving these two choices, the President will choose three other persons from the pool and appoint one of these three to serve as chair for the panel. The major functions of the panel are fact finding and making the reports described below. In performing its function, the panel may consider the results of the investigation already conducted, but the panel is expected to conduct its own fact finding. Its proceedings will be

private, and lawyers will not be present. Both parties will have the right to present witnesses and evidence at this hearing. It is expected that both parties will have the right to hear all testimony and will be able to respond to testimony in the presence of those giving it; the panel will be expected to question witnesses in the light of such response. When, however, a witness or either of the parties is unwilling or judged by the panel to be unable to present statements in the presence of others, the panel may decide that the interests of justice require admission of their statements in private. In such cases, the panel will disclose the statements to both parties, identify their authors, and provide for other means of response and questioning.

A summary of the case and the recommendations of the panel will be made in writing to the President. In cases where a major penalty is recommended, such as dismissal or removal of tenure, the recommendation also must be made in writing to the elected members of Academic Council, who will reach a final determination on the claim utilizing the procedures outlined in Section J.2 above. The parties will be informed in writing of the outcome of this process at its conclusion.

In any proceeding to be conducted under Section J.2, the case will be taken to the President or to Academic Council by the panel acting for the institution and not by the complainant. The chair of the panel should represent the institution if a hearing is necessary.

All members of the College community are expected to fully cooperate with and provide truthful information in connection with any investigations or procedures undertaken in connection with this policy. The College will not retaliate against anyone who makes a report or provides information in good faith under this policy. The reporting and investigation of allegations of retaliation will follow the procedures detailed above. Any person found to have retaliated against a person in violation of this policy will be subject to appropriate disciplinary action, up to and including termination.

This policy relates to the College's goal of promoting an environment free of discrimination and harassment. However, it is neither designed nor intended to limit the College's authority to take disciplinary or remedial action for conduct deemed unacceptable, regardless of whether it satisfies the legal definition of discrimination or harassment.

Title IX Coordinator

The Provost shall inform the Title IX Coordinator of all complaints received involving claims of sexual harassment or sexual discrimination. The Title IX Coordinator also shall be informed of developments in such cases and of the ultimate outcome in each case.