

Office for Diversity,
Equity and Inclusion

114 W. Rosedale Ave.
610-436-2433

**Dr. Tracey Robinson, Chief Diversity and
Inclusion Officer**

**Ms. Lynn Klingensmith, Director for Equity and
Compliance/Title IX and ADA Coordinator**

**Ms. Meg Hazel, Assistant Director, EEOC and
Title IX Investigator**

**Ms. Steph Caloiaro, Assistant Director, EEOC
and Title IX Investigator**

**Mr. Hiram Martinez, Assistant Director and
Coordinator of Diversity Initiatives**

**Ms. Sarah Ryan (will be changing to Baylor
soon), Compliance and Database Coordinator**

**Ms. Tanya (Taz) Browne, Administrative
Assistant**

Purpose of this training

01

Overview

- Overview of laws and policies

02

Highlight

- Highlight the WCU Non-discrimination and Sexual Harassment policies

03

Outline

- Outline complaint process and options

04

Review

- Title IX and Sexual Misconduct Policy

05

Discuss

- Discuss your rights, responsibilities and resources

What laws apply?

- **Title VII of the Civil Rights Act**

Prohibits discrimination based on “race, color, religion, sex or national origin” in the workplace with 15 or more employees

- **Title IX of the Education Amendments**

Prohibits discrimination based on sex in all programs in educational institutions receiving financial assistance

What policies apply?

- Affirmative Action – Equal Opportunity (Nondiscrimination)
applies to employees, students
- Human Resources Misconduct Policy
employee v. employee
student v. employee
- Sexual Misconduct
student v. student
student v. employee
employee v. employee
- Classroom Disruption
student behavior in the classroom
- Student Code of Conduct
student behavior on and off campus

Discrimination

WCU Policy protects against:

An adverse employment or academic action or decision that is based on or motivated by an individual's:

- Race
- Color
- Religion
- Sex
- Gender Identity
- National or ethnic origin
- Ancestry
- Age
- Sexual orientation
- Disability
- Veteran status

Harassment (Title VII and WCU Policy)

Harassment, whether verbal, physical, or visual, that is based on any of these protected characteristics is discriminatory.

- Includes harassing conduct affecting tangible job benefits, interfering unreasonably with an individual's work performance, or creating what a reasonable person would believe is an intimidating, hostile, or offensive environment.

Behavior based on race, color, religion, sex, gender identity, national or ethnic origin, ancestry, age, sexual orientation, disability, or veteran status that is:

- Sufficiently severe, persistent, or pervasive, OR
- Experienced as substantially interfering with an individual's work, educational performance, participation in extra-curricular activities, or equal access to the University's resources and opportunities.

Examples of Harassing Behaviors

Unwelcome comments/name-calling

Racial, ethnic, or religious epithets

Offensive pictures/photos/cartoons

Refusing reasonable accommodations to individuals with disabilities



What is Sexual Harassment?

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other harassing conduct of a sexual nature.

- Conduct
- Unwelcome
- Persistent and/or severe

What is Sexual Harassment?

Sexual harassment occurs when:

1. Submission is clearly stated or implied as a term or condition of employment, status in a course, program or activity and

An employee's submission to or rejection of the conduct is a basis for employment or academic decisions.

2. Such conduct unreasonably interferes with work performance or creates an intimidating, hostile or offensive work environment.

Reporting Sexual Harassment

- Faculty and staff are required to inform the Director for Equity and Compliance/Title IX Coordinator whenever they become aware of behavior that may constitute sexual harassment, whether the behavior involves students or employees.
- Employees are cautioned not to promise confidentiality when learning about sexual harassment as they are required to report this behavior.
- www.wcupa.edu/_admin/diversityEquityInclusion/sexualmisconduct

The Americans with Disabilities Act (ADA)

Protects qualified persons with disabilities from discrimination in employment, education, public services and programs, transportation, public accommodations, and telecommunications.

Employees seeking an accommodation for a disability should consult with Human Resources.

Students seeking accommodations should contact the Office of Services for Students with Disabilities.

Faculty are under a legal obligation to provide accommodations to students who submit a Letter of Accommodation from OSSD. If there are questions or concerns, faculty should contact the OSSD Office.



Disability

- “Disability” is defined as:
 - Physical or mental impairment which substantially limits a major life activity;
 - Record of impairment;
 - Human Resources services (employees)
 - Office of Services for Students with Disabilities (students)
 - Being regarded as having such impairment.

Procedures for Reporting and Investigating Discrimination/ Harassment Complaints

Share concerns with the Office for Diversity, Equity and Inclusion (ODEI)

Review informal and formal options for resolution.

ODEI maintains records of all formal and informal complaints.

ODEI monitors repeated complaints within the same unit or against the same individual.

Formal Complaint Procedures

Purpose:

- To determine if sexual harassment and/or discrimination has occurred, the culpability of the respondent, and recommend appropriate sanctions or remedies.

How to initiate:

- Contact ODEI to file a written complaint.

Investigation:

- Required if the complaint *sufficiently* outlines discrimination or harassment. If not, it may be referred as the conduct may fall under an alternative administrative policy.

Timeliness:

- Encouraged to report within 180 calendar days.

Outcomes:

- If allegation of sexual harassment and/or discrimination is substantiated, a variety of sanctions may be applied through the appropriate disciplinary venue/process.

Informal Complaint Procedures

Purpose:

- To stop the behavior. Should not be used for repeated or serious offenses.

How to initiate:

- Generally, a written complaint is filed with ODEI. Must be the complainant's preference to use the informal procedure.

Resolution:

- Mediation is a recommended course of action to resolve the informal complaint. At any point in the process, it can be changed to a formal complaint by the complainant or ODEI.

External Complaint Options

A complaint may be filed directly with federal and state agencies such as:

Pennsylvania Human Relations Commission

<https://www.phrc.pa.gov/File-A-Complaint/Pages/About-Filing-A-Complaint.aspx>

U.S. Department of Education, Office of Civil Rights

<https://www.hhs.gov/civil-rights/filing-a-complaint/index.html>

U.S. Equal Employment Opportunity Commission

<https://www.eeoc.gov/federal-sector/filing-formal-complaint>



Participating in an Investigation

Investigators are staff who will respect your privacy.

Respect the privacy of those involved in the process; speak only to those individuals who need to know to assist you.

Cooperation is encouraged.

Issues Associated with Investigations

- Protection Against Retaliation

Retaliatory actions against persons filing a complaint of discrimination are also prohibited. Acts of retaliation shall constitute misconduct subject to disciplinary action.

- Groundless or Malicious Allegations

- Privacy and Confidentiality

Complaints against Students

- Discrimination and harassment are violations of the Student Code of Conduct.
- Complaints about discriminatory or harassing conduct by a student should be brought to the attention of the Title IX Coordinator, Lynn Klingensmith, lklingensmith@wcupa.edu, 610-436-2433 and/or the Assistant Dean for Student Conduct, Christina Brenner, cbrenner@wcupa.edu, 610-436-3511,
- 200 Ruby Jones

Consensual Relationships

PASSHE Amorous Relationship Policy

- https://www.passhe.edu/inside/policies/BOG_Policies/Policy%202020-02%20Amorous%20Relationships.pdf
- Prohibits amorous relationships with students and those employees where one party has supervisory, instructional or professional responsibilities concerning the other party

Consensual relationships create:

- Concerns about validity of consent
- Conflicts of interest
- Unfair treatment of other students or employees
- Undermine the atmosphere of trust

Sexual Harassment (Title IX)

applies to students as both
complainants and respondents
AND employees as respondents

A form of unlawful discrimination based on sex and will not be tolerated in any form by faculty, staff, students or vendors.

Title IX of the Educational Amendments Act of 1972: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

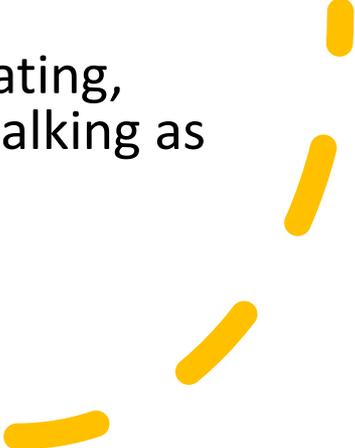
Changes to Title IX (as of May, 2020)

Defines Sexual Harassment broadly to include three types of misconduct on the basis of sex:

Any instance of *quid pro quo* harassment by a University employee

Any unwelcome conduct that a reasonable person would find so severe, pervasive **AND** objectively offensive that it denies a person equal educational access

Any instance of sexual assault, dating, violence, domestic violence or stalking as defined by VAWA



Highlights of Title IX

- Sexual Harassment occurring within scope of “education program or activity” and within the U.S.
- Defined terms (complainant, respondent, formal complaint, supportive measures)
- Employees as respondents
- Notice requirements
- Training requirements of personnel involved in the Title IX process
- Posting of training materials on website
- Changes to complaint process (review of all evidence)
- Changes in the Hearing process (advisors can cross examine)



Responsible Employee must report “all relevant details” including (if known) the identities of the alleged perpetrator, alleged victim, and other students involved, as well as the date, time, and location of the incident. They should make every effort to advise students BEFORE the student reveals sensitive, private information of their obligation to reveal the names and information to the Title IX Coordinator.

Questions? Contact tix@wcupa.edu

www.wcupa.edu/admin/diversityEquityInclusion/sexualmisconduct



Title IX :
What is my
reporting
responsibility
?

Exception to Reporting

The disclosure of sexual violence through the context of a required writing assignment, classroom discussion or via a University-approved research project **do not** have to be reported.

- **However, the disclosure of sexual violence against a child (under 18 years old at the time of the incident) is NOT EXEMPT from the employee's reporting obligations.**



WCU Home > Administration > Office for Diversity, Equity, and Inclusion > Sexual Misconduct

Sexual Misconduct

**FOR PRIVACY,
CLICK HERE
TO EXIT
QUICKLY**

Sexual Misconduct

I want to report an incident

I want to talk to someone

Filing a Sexual Misconduct Report

Campus Resource Man

Deputy Title IX Coordinators

Corin Chapman, Labor Relations

CChapman@wcupa.edu | 610-436-3116

Barry Hendler, Residence Life and Housing

BHendler@wcupa.edu | 610-436-1065

Angela Howard, Center for International Programs

AHoward@wcupa.edu | 610-436-3515

Kellianne Milliner, Athletics

KMilliner@wcupa.edu | 610-436-3573

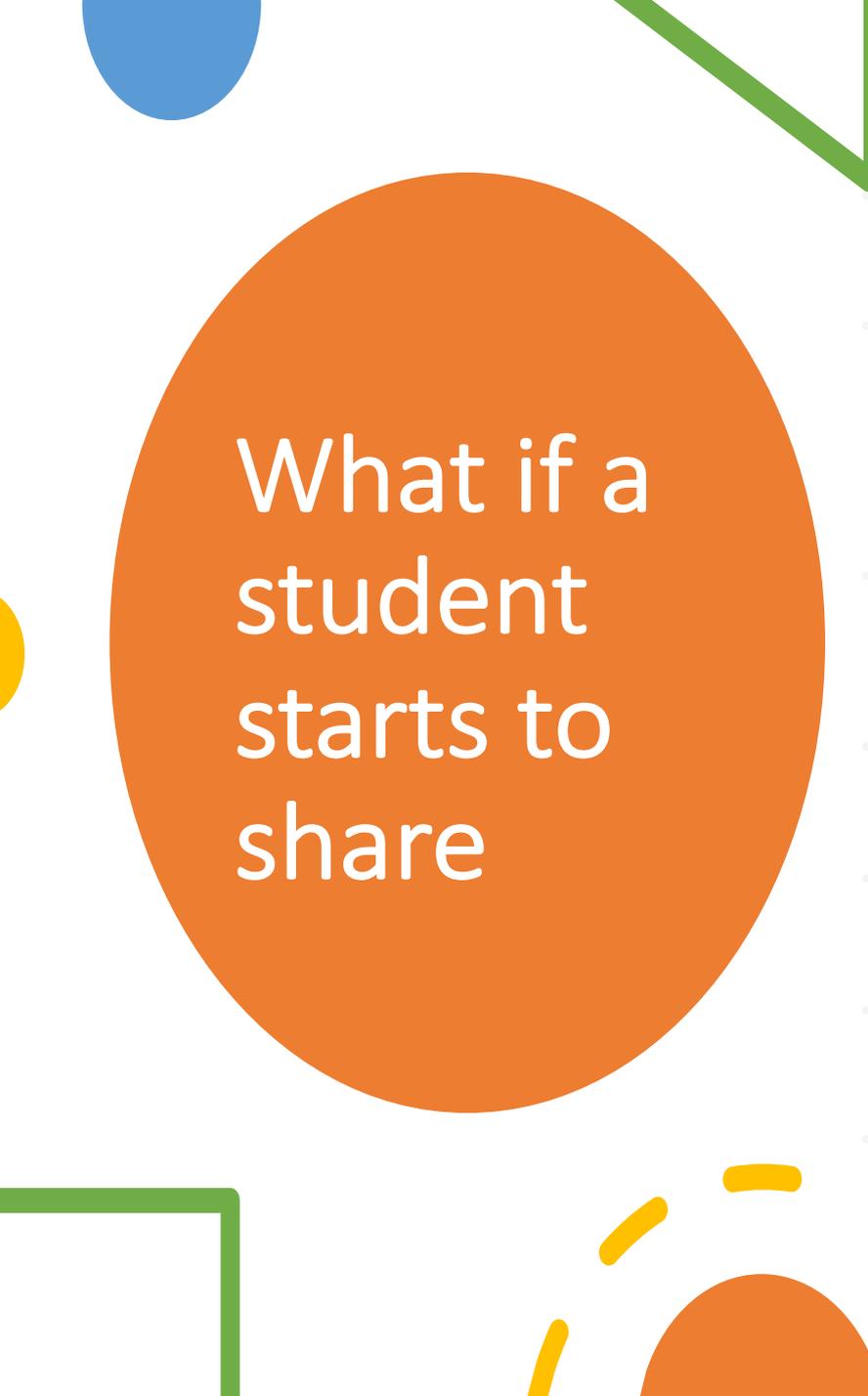
Vanessa Johnson, Graduate Education

VJohnson@wcupa.edu | 610-436-2749



Why does reporting matter?

- Provide support and resources to students through a centralized space (Title IX Coordinator). *Supportive measures* include changes to class or housing assignments, counseling, No Contact Directives, arranging a Campus Escort, assist with withdraws from a class or semester and more.
- Provide students with options for resolving their particular situation.
- Identify trends for prevention purposes.



What if a student starts to share

Use active and empathic listening skills

- Make sure the student is safe; offer to connect the student with the Counseling Center, Health and Wellness Center or refer the student to the off-campus Crime Victim's Center
- Assure the student that their privacy will be maintained
- Be familiar with campus resources
- Encourage the student to report the incident
- Call ODEI for advice and guidance (610-436-2433)
- Submit a report at:
<https://www.wcupa.edu/admin/diversityEquityInclusion/sexualmisconduct/>

- The electronic version of the report is sent to the Director for Equity and Compliance/Title IX Director and Compliance Coordinator.
- Director of Equity and Compliance/Title IX Coordinator or designee will reach out to complainant to ensure resources/referrals are in place.
- Supportive measures may be imposed to ensure safety of complainant and/or the respondent.
- If the incident moves forward for formal action, an Investigator will be assigned to investigate the incident (interviews with each party and any witnesses).
- Investigative report is reviewed by the Director for Equity and Compliance/Title IX Coordinator.
- If the report indicates that the evidence supports the allegations, the Assistant Dean of Student Conduct reviews report to determine appropriate Conduct charges.



After an
Incident
is
reported



Supportive Measures

- Change in class section
 - Change in work or housing assignment
 - No Contact Directive
 - Campus escort (to campus locations)
 - Faculty Notifications
 - Counseling referrals
- 

Campus Resources

- **Lynn Klingensmith- Title IX Coordinator**
lklingensmith@wcupa.edu ; 610-436-2433
tix@wcupa.edu | www.wcupa.edu/sexualmisconduct
- **Counseling Center**, Lawrence Center, Room 241 – wcucc@wcupa.edu
610-436-2301 | www.wcupa.edu/counselingcenter
- **Student Health Services**, Commonwealth Hall, ground floor -
healthctr@wcupa.edu (general inquiries only)
610-436-2509 | www.wcupa.edu/studenthealthservices
- **Center for Women and Gender Equity**, Lawrence Center, room 220 –
cwge@wcupa.edu
610-436-2122 | http://www.wcupa.edu/_services/stu.wce/

ADDITIONAL CAMPUS RESOURCES

COMMUNITY MENTAL HEALTH SERVICES

610-436-2510 - cmhs@wcupa.edu | www.wcupa.edu/communitymentalhealth

CENTER FOR TRANS AND QUEER ADVOCACY

610-436-3147 - transandqueer@wcupa.edu | www.wcupa.edu/transandqueer

OFFICE OF STUDENT CONDUCT

WEBSITE - 610-436-3511 - studentconduct@wcupa.edu | www.wcupa.edu/conduct

CARE (Campus Assessment, Response, and Education)

WEBSITE - 610-436-3084 - care@wcupa.edu | https://www.wcupa.edu/_services/studentAssistance/CARE/

Resources

- Title IX

https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

- Campus SaVE Act

<https://www.congress.gov/bill/112th-congress/house-bill/2016>

- Violence Against Women Act

<https://www.congress.gov/bill/116th-congress/house-bill/1585/text>

- West Chester University Policy

https://www.wcupa.edu/_admin/diversityEquityInclusion/policies.aspx

Title IX

Pregnant and Parenting Students

- West Chester University is committed to creating an accessible and inclusive environment for pregnant and parenting students.
- *Title IX of the Education Amendments of 1972* prohibits discrimination based on sex in education programs and activities including academic, educational, extracurricular, athletic and other programs or activities in schools. This prohibition includes discrimination against pregnant and parenting students.

Specific accommodations will vary from student to student. Here are some examples:

- A larger desk
- Breaks during class
- Providing notification to faculty on absences due to pregnancy or related conditions
- Providing assistance with missed work, rescheduling of tests, exams and/or submitting work after a deadline due to pregnancy or childbirth

Please refer students to Lynn Klingensmith, Title IX Coordinator for assistance with these accommodation requests.

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Office for Diversity, Equity and Inclusion can assist with ...

- Trainings and information on diversity, equity, unconscious bias, cultural competence, ADA and Title IX.
- Questions about equity issues related to instructional and non-instructional employees.
- Inquiries, questions, reports and complaints about discrimination and sexual harassment.
- Connecting you with a programming partner!

QUESTIONS AND ANSWERS

- Office for Diversity, Equity and Inclusion
- 114 W. Rosedale Avenue
- 610-436-2433

