



Non-Discrimination Policy & Discrimination Complaint Procedures

I. PURPOSE

Mansfield University is committed to assuring a work, educational and residential environment free of unlawful discrimination because of race, color, religion, disability, ancestry, national origin, age, sex, sexual orientation, gender identity or gender expression. It is imperative that all employees, students and vendors of Mansfield University comply with both the spirit and intent of federal, state and local laws, government regulations and court orders which prohibit unlawful discrimination. In addition, all administrators, faculty, staff and students share a continuing responsibility to behave in a manner which ensures a work, educational and living environment that is free of unlawful discrimination. It is the purpose of this policy to define and implement these responsibilities.

II. POLICY

It is the policy of Mansfield University to ensure a work, educational and residential environment free of unlawful discrimination because of race, color, religion, disability, ancestry, national origin, age or sex, including sexual harassment, sexual orientation, gender identity and gender expression. In accordance with state and federal laws including Title VI of the Civil Rights Act of 1964, Section 1604 of Title VII of the Civil Rights Act of 1964, Executive Order 11246 and 11375, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act, the Civil Rights Act of 1991, the Pennsylvania Human Relations Act and all other applicable legislation, Mansfield University prohibits and will not tolerate unlawful discrimination on the basis of an individual's race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, disability, age, veterans status or other factors.

Conduct will be deemed discriminatory in accordance with and as defined in applicable state and federal statutes and case law decisions. Sexual harassment is defined as unwelcome gender related behavior, including unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either an explicit or implicit term or condition of an individual's employment or education;
- submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individuals; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile or offensive working, education or living environment.

The U.S. Department of Education Office for Civil Rights further defines sexual harassment as verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient of federal funds that denies, limits, provides different, or conditions provision of aid, benefits, services, or treatment protected under Title IX.

III. RESPONSIBILITIES

Mansfield University is responsible for educating all of its students, faculty and staff about what constitutes unlawful discrimination or harassment and what steps will be taken to resolve complaints.

Each manager, director, department chairperson, faculty person and/or administrative officer is responsible within his/her respective area for the implementation, dissemination and explanation of this policy. Assistance in implementation, dissemination and explanation may be obtained by contacting the university's Equity Officer.

IV. PROCEDURES

A. INFORMAL MECHANISM FOR MEDIATION AND RESOLUTION: Informal review and consultative processes are highly desirable means of resolving problems. Mansfield University believes that a strong, informal system for handling most complaints will encourage resolution. Any person may contact the Equity Officer for informal discussion, advice and assistance. These contacts will be handled in a confidential manner with information being provided only to the extent necessary to resolve the complaint. Written records associated with the resolution of a problem during these informal proceedings will be kept in the Equity Office. Although face-to-face mediation is a valuable and effective tool in the informal resolution process, no complainant will be required to participate in such face-to-face mediation.

B. FORMAL MECHANISM FOR INVESTIGATION OF COMPLAINTS OF DISCRIMINATION: When informal resolution is not chosen or is unsatisfactory, the following guidelines for formal investigation and resolution will apply:

1. Filing a Complaint of Discrimination or Harassment

a. Unlawful Discrimination by a Faculty Member or Coach: Formal complaints against an individual covered under the APSCUF collective bargaining agreements (faculty members and coaches) should be filed with the Equity Officer. Complaint forms are available on the Human Resources page of the Mansfield University website or at the Equity Office, 118 Alumni Hall.

b. Unlawful Discrimination by a Staff Member or University Officer: Formal complaints against a staff member (individuals classified as SCUPA, SPFPA, AFSCME or managerial employees) or an officer of the university should be filed with the Equity Officer. The President will be immediately notified in the case of a complaint against an officer of the university. Any complaint brought against the Equity Officer should be filed with the President. Complaint forms are available on the Human Resources page on the Mansfield University website or at the Equity Office, 118 Alumni Hall.

c. Unlawful Discrimination by Students: Formal complaints against a student should be filed with the Equity Officer and if applicable, the Director of Residence Life. Complaint forms are available on the Human Resources page on the Mansfield University website or at the Equity Office, 118 Alumni Hall. Students may also consult with the Student Advocacy Coordinator, 109 Pinecrest.

d. Unlawful Discrimination by Outside Vendors: Complaints of discrimination by outside vendors and/or subcontractors should be filed with the Equity Officer.

e. Unlawful Discrimination by the President and/or Trustees: Complaints against the President or a member of the Council of Trustees should be filed with the Equity Officer who will immediately notify the Office of the Chancellor. Complaint forms are available on the Human Resources page on the Mansfield University website or at the Equity Office, 118 Alumni Hall.

f. Referral of Complaints: If anyone other than the Equity Officer receives a formal complaint against a employee, student or vendor of the university, the resource person must immediately notify the Equity Officer of the complaint. The resource person must treat all information imparted by the complainant regarding the discriminatory behavior in a confidential manner.

2. Investigation of Complaints

Timeframe: The Equity Officer will initiate an investigation of the alleged discriminatory behavior in accordance with this policy and any applicable collective bargaining agreement provisions. The object of the investigation will be to determine whether there is probable cause to credit the complainant; the president is charged with determining culpability and imposing any disciplinary measures.

The Equity Officer shall make every effort to reach a prompt conclusion to his/her investigation. Normally, most investigations can be concluded within 20 days; however up to 90 working days may be necessary to conduct a comprehensive investigation of a more complex matter. Unless specific circumstances warrant, the investigation will be concluded within this 90 day timeframe. If more than 90 days elapse from the date of the filing of the complaint, without resolution of the investigation, the Equity Officer will notify complainant that the investigation is proceeding and additional time is required.

Steps of the Investigation:

- The Equity Officer will first interview the complainant and allow him/her to provide a formal written complaint and present relevant evidence and the names of possible witnesses.

- The Equity Officer will notify the President that a complaint of discrimination has been received and develop a timeline for completion of the investigation.
- The Equity Officer will notify the respondent (the employee named in the complaint) of the complaint and provide a copy of the formal written complaint or a summary of the complainant's allegations for his/her review. (Where required under the terms of an applicable collective bargaining agreement, the local union representatives will be notified of the pending complaint investigation.) The Equity Officer will interview the respondent and allow him/her to provide a formal written response as well as the names of potential witnesses. Where required under the terms of a controlling collective bargaining agreement, the respondent may, if s/he chooses, be accompanied by a union representative at this and any subsequent meeting with the Equity Officer or other university official regarding the complaint of discrimination.

- At his/her sole discretion, the Equity Officer may determine that a fact finding conference will assist in the investigative process. If the Equity Officer chooses such an option, both the complainant and respondent will be invited to participate in a joint meeting with the Equity Officer in which the allegations of discrimination are reviewed and questions are directed to the parties in an effort to verify any facts in dispute. Under no circumstances will the complainant be required to attend such a face-to-face fact finding conference.

- The Equity Officer will conduct interview sessions with all pertinent witnesses and conduct additional interviews with the complainant or respondent as necessary to fully investigate the allegations of discrimination and minimize areas of disputed information.

- At the conclusion of the investigation, the Equity Officer will submit a fact-finding report to the President; the report will provide a summary of the findings of fact as well as a determination as to whether sufficient probable cause exists to support a finding of discrimination.

- The President and Equity Officer will conduct a predisposition hearing with the respondent to advise of the probable cause finding and allow the respondent a final opportunity to comment or provide additional evidence for consideration.

3. Notification of Results of Investigation

- The President will, after considering the fact finding report and any additional information provided by the respondent in the predisposition hearing, determine culpability and any disciplinary measures to be imposed. The President and Equity Officer will conduct a final disposition conference with the respondent and disclose the President's determination and any disciplinary measures to be imposed. Notification to local union representatives will be completed in accordance with any applicable collective bargaining agreement.

- The President and Equity Officer will meet with the complainant to inform him/her of the findings of the investigation and whether or not discipline was imposed against the respondent.

4. Record Keeping: Any written records associated with a formal investigation will be maintained in the office of the Equity Officer. Information related to any disciplinary action taken will be placed in the respondent's personnel file and retained for the length of time specified by the President or as required under the terms of any applicable collective bargaining agreement.