



**EEO Laws and Discrimination Prevention,
Preventing Discrimination and Sexual Violence
Title IX and the SaVE Act, ADA,
The Clery Act, Affirmative Action,
Unlawful Harassment Prevention, Title VII-CALU Policy,
and Protection of Minors on Campus**

Presented by: Dr. John A. Burnett,
Special Assistant to the President for EEOO
Office of Social Equity

South Hall 112

Office Hours: M-F 8 am - 4 pm or by appointment

724-938-4014

www.calu.edu/SocialEquity

Training Disclaimer

This training contains adult situations and language. The content and the delivery of the content is not meant to offend, embarrass or harass and is strictly for training purposes to show what behavior and language is prohibited.

The Office of Social Equity

South Hall 112

1. Manage the Affirmative Action Plan
2. Conduct internal investigations concerning discrimination
3. Handle inquiries concerning employment discrimination/issues
4. Conduct training for Faculty, Staff & Students
5. Review, create and update policies and procedures
6. Title IX and ADA enforcement
7. Serve on diversity committees and perform other service activities at the University

The Office of Social Equity's Accommodations

- We are able to meet with individuals before or after work.
- We are able to meet in public locations other than our South Hall offices if necessary.
- An online Complaint Form can be accessed at:
www.calu.edu/SEcomplaint
- The Social Equity policies can be reviewed at:
www.calu.edu/SEpolicies
- Our office can be contacted anonymously through the PASSHE **Navex Global** system at:
www.ethicspoint.com

Or call toll free within the United States, Guam, Puerto Rico and Canada: 1-855-298-5316.

EthicsPoint is NOT a 911 or Emergency Service

Affirmative Action

- As an employer that receives more than \$50,000 dollars in federal monies we are required to have an Affirmative Action (AA) Program.
- This program requires that we have recruiting and outreach goals for underrepresented groups (Minorities, Women, Veterans and People with Disabilities). This is in addition to our yearly AA plan which reflects these goals.
- This is required by Executive Order 11246 and is also stated in Title 41, Chapter 60 of the Code of Federal Regulations

ADA Compliance

- Faculty and staff, if you have, or develop a disability whether physical or mental and need accommodation, please contact the Office of Human Resources.
- Service animals are allowed on campus for accommodation purposes, but may be restricted in areas that could be harmful to the animals.
- Student Classroom accommodations will be handled by Robert Mehalik, Director of the Office of Student with Disabilities.

Title IX

Title IX of the Education Amendments of 1972.
Implementing regulations at:

20 U.S.C. 1681 & 34 C.F.R. Part 106

“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 educational program or activity receiving federal financial assistance.”

Title IX Coordinator's Duties

Title IX Coordinator's duties consist of, but not limited to:

- Overseeing the University process and response to Title IX reports and complaints
- Identifying and addressing patterns or systemic problems
- Enforce Title IX policies and procedures for all academic programs
- Perform training to all members of the campus community regarding Title IX
- Providing accommodations for victims of discrimination or sexual assault as required by Title IX

The Clery Act

Named after Jeanne Clery, a 19 year old freshman student who was killed at her campus in 1986. The Clery Act became a law in 1990 requiring universities to maintain records and disclose information about crimes that occur on their campuses.

All crimes committed at Cal U must be reported and if necessary reported to the community in a timely fashion. A crime log of all crimes is kept at the Department of Public Safety and University Police, Pollock Maintenance Building, for review by anyone.

Protection of Minors on Campus

California University of Pennsylvania Protection of Minors policy was approved in December 2015.

Any sexual assault, abuse whether physical/mental, or neglect that could result in the harm of any child (an individual under the age of 18) should be reported immediately to the Department of Public Safety and University Police, Pollock Maintenance Building, 724-938-4299 and to the Director of Social Equity, Dr. John Burnett, 724-938-4014.

When it comes to Discrimination and Sexual Harassment, someone else's perception of an event may differ from our own.



CALU Policies Against Discrimination

- All students, faculty, staff and other members of the campus community are subject to these policies.
- Individuals who violate this policy are subject to discipline, up to and including termination for employees and/or expulsion for students.
- This policy is not intended to and does not infringe upon academic freedom in teaching or research.

Harassment vs. Unlawful Harassment

- Unlawful harassment involves conduct aimed at any legally protected category: Race, Gender, Religion, Color, Nation Origin, Age, Disability and Veteran's status.
- Some harassing situations may not fall under protected categories, but may still be prohibited under CALU Office of Human Resource policies. Example: *A supervisor who yells at all his or her employees.*
- Being respectful in the workplace towards co-workers and others is the best way to avoid problematic situations.

**CALU has a zero tolerance for violence
in the workplace or campus.**

Unlawful Harassment is...



- Unwelcome
- Offensive both to the recipient and a “reasonable person”
- Severe or pervasive-meaning more than a one time occurrence. Excluding battery, rape, or physical assault which is always severe and pervasive. Also in cases where there is a pattern of conduct that might seem like a one time occurrence where other victims are not aware of each other.
- Prohibited under Pennsylvania State and Federal Law
- Does not refer to occasional compliments of a socially acceptable nature

Sexual Harassment and Discriminatory Behavior

Sexual Harassment and Discriminatory Behavior can include:

- Inappropriate Touching, Hugging, Patting, Rubbing, Pinching, Getting too close to someone
- Sexually explicit pictures, cartoons, screensavers, posters, sexual objects/toys, pornographic magazines, and videos that are not related to someone's educational course, study content, syllabus
- Anything with sexually explicit language (i.e., t-shirts, music) again not related to academic freedom
- Stalking/Indecent Exposure/Flashing/Domestic Violence & Dating Violence
- Using racial, ethnic or gender slurs or Sexually explicit profanity

**One's cultural background and upbringing
are not valid defenses to illegal behavior.**



Consensual Relationships

- All employees should avoid inappropriate romantic or sexual relationships in circumstances in which one of the individuals involved is in a position of direct professional power over the other.
- Consensual Relationship in the workplace could result in what is called third party sexual harassment where co-workers feel they are treated unfairly based on the actions of a supervisor or someone in authority who is engaging in a relationship with a co-worker.
- Faculty and students or supervisors and supervisees entering into a relationship where no power differential exists should be aware that power differentials may change, and should avoid situations that may become exploitative.

**There is no such thing as a SECRET OFFICE
or CLASSROOM ROMANCE!**



Retaliation

- Retaliation is taking a negative or punitive action against an individual who files a complaint, complains of discrimination or sexual harassment, or provides information in an investigation concerning discrimination or sexual harassment.
- Retaliatory conduct is a violation of CALU policy and Pennsylvania State and Federal laws.
- No action should be taken against any employee unless it is for a legitimate business reason that is or can be documented.
- Retaliatory acts which result from complaints are often proven more easily than the initial charges.

Retaliatory Acts

Some retaliatory acts may include, but not limited to:

- unwarranted disciplinary action
- a reduction in pay
- denial of merit
- an unfair evaluation rating
- an unfair grade
- frequent and undesirable changes in the location of an office
- a bad work schedule
- a dismissal or transfer
- isolation of an employee
- sabotaging a person's work product
- Intimidation
- threats

Discrimination and Sexual Harassment

- Can happen to anyone regardless of your race, gender, ethnicity, disability, religion, sexual orientation, age, etc.
- If you observe discrimination or sexual harassment occurring to others, don't think it can't happen to you.
- Report all incidents of discrimination and sexual harassment to the **Office of Social Equity** by contacting us at 724-938-4014 or by visiting our office located at South Hall 112.

Penalties of Discrimination and Sexual Harassment for violations of CALU policies



- Discipline, which can result in termination (employees) or expulsion (Students)
- Loss of Time and Money (Legal Fees)
- Embarrassment, ruined career and reputation
- Discrimination and Sexual Harassment complaints can sometimes end up in a court room, in a police officers report, the newspaper, or in an attorney's office.

**The penalties are real,
so please take this seriously!**





Computer Usage

- By using CALU owned computers, you are agreeing to abide by the University's IT Services Security Policy. This policy is available for inspection at the IT Services Center located in the basement of Manderino Library.
- There is no reasonable expectation of privacy on a CALU owned computer. Please make sure you are using the campus computers for appropriate uses.
- Computers can be checked at anytime for pornography and other inappropriate materials if problems are reported or discovered.
- Types of complaints commonly seen:
 - Hate Mail
 - Pornography
 - Sexually Explicit Jokes or pictures
 - Evidence of Stalking or harassing an Individual



Supervisor's Responsibilities



As per policy, every Supervisor has the responsibility to take reasonable steps that are intended to prevent acts of harassment and discrimination. These steps include:

1. Monitoring the work and school environment for signs that harassment and discrimination that may be occurring.
2. Refraining from participation in, or encouragement of actions that could be perceived as harassment (verbal or otherwise) or discrimination.
3. Reporting and stopping any observed acts that may be considered harassment/discrimination, and taking appropriate steps to intervene, whether or not the involved individuals are within his/her line of supervision.

***Failure to take action may be grounds for disciplinary action.**

The University has the right to take immediate action to minimize or eliminate the work and/or school contact between the two individuals when a situation arises that is openly hostile, retaliatory or presents a situation that could cause bodily harm.

What to do...

- If you feel you may be in harms way by telling someone their conduct is unwelcome, please report the conduct to the Office of Social Equity, the Office of Human Resources, or the Department of Public Safety and University Police – so we and/or other appropriate individuals may intervene on your behalf.
- Anyone who feels that they have been subjected to sexual harassment or discrimination by anyone is encouraged to promptly tell the person that their conduct is unwelcome and ask that they stop the conduct.
- Always report all occurrences no matter how insignificant.
- Any person who receives such a request must immediately stop the behavior or actions and comply with the request.
- Retaliation against the person rejecting the conduct is prohibited under the policies in place.

Complaints Process

- Every person in our campus community has a right to file a complaint regardless of the merits.
- Complaints must be filed within 180 days to be considered timely under CALU policy. However, the University will investigate issues outside of the 180 day timeline.
- All complaints are taken in confidence, but confidentiality cannot be guaranteed throughout the investigative process.
- Most complaint investigations are resolved within 30 days; however, some cases may require additional time.
- All Complainants and Respondents are notified in writing within five working days of the complaint being filed.
- All respondents will have the opportunity to answer to the allegations against them.
- All parties to the complaint will be kept informed during an investigation.
- All parties will be notified in writing of the findings of an investigation.
- If there is any subsequent disciplinary action taken against an employee after an investigation, this is confidential.

Support Person

An individual filing a complaint of alleged discrimination or sexual harassment may select anyone as their support person.

A Respondent also has the right to have a support person.

The Support Person can be a faculty member, co-worker, student, union representative, or any person that would make you more comfortable while making your complaint.

The Support Person will not be permitted to advocate on your behalf or comment.

Other Resources

Office of Human Resources, Dixon Hall 408, 724-938-4427

Eric Guiser, Director

Office of Students with Disabilities, Azorsky Hall 105, 724-938-5721

Robert Mehalik, Director

Dept. of Public Safety & University Police, Pollock Maintenance Building, 724-938-4299

Chief Ed McSheffery

Union Representatives:

AFSCME:	George Josay	724-938-4529
APSCUF:	Dr. Barbara Hess	724-938-5785
OPEIU:	Christine Matty	724-938-4232
SCUPA:	Sheleta Webb	724-938-4021 or 5758
SPFPA:	Officer Merle McGrew	724-938-4884

**Integrity, Civility,
and
Responsibility**



**Let's make CALU
a great place
to work and learn!**