Notice
The following policies and procedures were current as of the date of publication, and are subject to change at any time. The most current versions of all University policies and procedures are available online at www.pitt.edu/HOME/PP/pp_handbooks.html.
Nondiscrimination, Equal Opportunity, and Affirmative Action (Policy 07-01-03)
March 25, 2010

Nondiscrimination

The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. Accordingly, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran. The University also prohibits and will not engage in retaliation against any person who makes a claim of discrimination or harassment or who provides information in such an investigation. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University's mission.

Definition of Harassment

Harassment on the basis of a protected group status (i.e., due to an individual’s race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran) is a form of discrimination prohibited by this policy.

Harassment may occur through a wide range of conduct, such as by verbal, physical or electronic means when:

1. The conduct is severe or pervasive and objectively and subjectively has the effect of:
   a. Unreasonably interfering with an individual’s work or equal access to education; or
   b. Creating an intimidating, hostile, or offensive work or academic environment; or

2. Such conduct, if repeated, is reasonably likely to meet the standard set forth in number 1 immediately above.

Harassment can occur on University premises or, under limited circumstances, off campus. It can occur between people of the same or different protected group statuses.

When constitutionally protected speech is implicated, this policy will be applied only to the extent consistent with the First Amendment. In addition to meeting the standard set forth above, to rise to the level of prohibited harassment when constitutionally protected speech is implicated, the law requires a tenable threat of material and substantial disruption of University operations or interference with the rights of others.
Affirmative Action

Responsibility for the implementation and monitoring of this policy and equal employment opportunity and affirmative action programs is delegated by the Chancellor to the Director of Affirmative Action, Diversity and Inclusion.

The Director of Affirmative Action, Diversity and Inclusion is responsible for:

- Updating policy statements and procedures concerning the University's Affirmative Action Program and ensuring that University policies conform with all applicable federal, Commonwealth, and local laws concerning nondiscrimination, equal opportunity, and affirmative action.

- Reviewing, assisting in the development, and monitoring programs established under the University's Affirmative Action Program.

- Facilitating the collection, maintenance, and analysis of all statistical data called for in this Program and/or in the Program's implementation guidelines.

- Coordinating the preparation of all required government reports which relate to equal opportunity and/or affirmative action programs within the University.

- Providing any technical and/or administrative assistance required to meet the responsibilities mandated by the University's Program or by applicable equal employment opportunity and/or affirmative action laws and regulations for all responsibility centers, divisions, departments, or individuals within the University.

- Providing staff, technical support and general assistance to affirmative action committees.

- Reviewing all hiring, promotion, transfer, compensation, tenure, advertising and/or publicity, admissions, financial aid, and institutional access policies within the University to help ensure that these comply with the requirements of federal, Commonwealth, and local laws and regulations and with University-wide policies relating to nondiscrimination, equal opportunity, and affirmative action.

  - Implementing, assisting, or monitoring the grievance process in all cases where grievances related to discrimination matters arise within the University.

  - Assuring that all official publications of the University contain a statement of the University's Nondiscrimination Policy Publication Statement.

  - Preparing and updating the Affirmative Action Program of the University annually for the Chancellor's review and approval.
University Nondiscrimination Policy Publication Statement

The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. Accordingly, as fully explained in Policy 07-01-03, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran. The University also prohibits and will not engage in retaliation against any person who makes a claim of discrimination or harassment or who provides information in such an investigation. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University’s mission. This policy applies to admissions, employment, access to and treatment in University programs and activities. This is a commitment made by the University and is in accordance with federal, state, and/or local laws and regulations.

For information on University equal opportunity and affirmative action programs, please contact: University of Pittsburgh, Office of Affirmative Action, Diversity and Inclusion, Carol W. Mohamed, Director (and Title IX, 504 and ADA Coordinator), 412 Bellefield Hall, Pittsburgh, PA 15260 (412) 648-7860.

For complete details on the University’s Nondiscrimination Policy, please refer to Policy 07-01-03. For information on how to file a complaint under this policy, please refer to Procedure 07-01-03.

Dissemination of the University of Pittsburgh's Nondiscrimination Policy Publication Statement

The University will inform all external recruiting sources, unions, contractors, other colleges and universities, organizations specializing in the recruitment of minorities and women, and other groups with whom it cooperates, of the University’s Nondiscrimination Policy Publication Statement.

The Nondiscrimination Policy Publication Statement is to appear in all University course and program catalogs; student, faculty, and staff handbooks and policy manuals; brochures, pamphlets, magazines, and newsletters concerning educational programs, admissions, housing, financial assistance, employment, student life, and extracurricular activities; and grants, contracts, and purchase orders. Smaller publications such as fliers, posters, handouts, and bulletins pertaining to those areas cited above may carry either the Nondiscrimination Policy Publication Statement or the statement that, "The University of Pittsburgh is an affirmative action, equal opportunity institution." The statement "The University of Pittsburgh is an affirmative action, equal opportunity employer" and/or other approved phrase that advocates for racial, ethnic and cultural diversity must be included on position notices.
Anti-Harassment Policy Statement

No University employee, University student, or individual on University property may intentionally harass or abuse a person (physically, verbally or electronically) when the conduct is severe or pervasive and objectively and subjectively has the effect of: (1) unreasonably interfering with such person’s work or equal access to education, or (2) creating an intimidating, hostile, or offensive work or academic environment. Consistent with the University Nondiscrimination Policy and Sexual Harassment Policy, harassment on the basis of a legally protected classification, such as racial harassment or sexual harassment, is prohibited. This policy statement will be applied with due respect for the University’s commitment to equality of opportunity, human dignity, diversity, and academic freedom, and, when constitutionally protected speech is implicated, only to the extent consistent with the First Amendment.

For more information, contact the Office of Affirmative Action at 412-648-7860, or refer to the Nondiscrimination Policy (07-01-03) and the Sexual Harassment Policy (07-06-04).
I. SCOPE

This document establishes policy and procedures pertaining to the University's prohibition of sexual harassment.

II. POLICY

The University of Pittsburgh is committed to the maintenance of a community free from sexual harassment. Sexual harassment violates University policy as well as federal, state and local laws. It is neither permitted nor condoned. The coverage of this policy extends to all faculty, researchers, staff, students, vendors, contractors and visitors to the University.

It is also a violation of the University of Pittsburgh's policy against sexual harassment for any employee or student at the University of Pittsburgh to attempt in any way to retaliate against a person who makes a claim of sexual harassment or provides information in an investigation of sexual harassment.

Any individual who after a thorough investigation is found to have violated the University's policy against sexual harassment will be subject to disciplinary action, including, but not limited to, reprimand, suspension (with or without pay), termination or expulsion.

III. DEFINITION

A. SEXUAL HARASSMENT IN GENERAL

Sexual harassment may include unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is an explicit or implicit condition of employment or of participation in a University program or activity;

2. Submission to or rejection of such conduct is used as the basis for an employment or academic decision;

3. Such conduct is severe or pervasive and objectively and subjectively has the effect of:
   a. Unreasonably interfering with an individual's work or equal access to education; or
   b. Creating an intimidating, hostile or offensive work or academic environment; or

4. Such conduct, if repeated, is reasonably likely to meet the standard set forth in number
While sexual harassment most often takes place where there is a power differential between the persons involved, it also may occur between persons of the same status. Sexual harassment can occur on University premises or, under limited circumstances, off campus. It can occur between members of the same gender as well as between members of different genders.

B. SEXUAL HARASSMENT STANDARD WHEN CONSTITUTIONALLY PROTECTED SPEECH IS IMPLICATED

When constitutionally protected speech is implicated, this policy will be applied only to the extent consistent with the First Amendment.

In addition to meeting the standard set forth in III. A. above, to rise to the level of prohibited sexual harassment when constitutionally protected speech is implicated, the law requires a tenable threat of material and substantial disruption of University operations or interference with the rights of others.

Section IX below provides guidance on application of this Policy in the academic setting, which is an area where constitutionally protected speech could be implicated.

IV. CONSENSUAL RELATIONSHIPS

Personal relationships must not be allowed to interfere with the academic or professional integrity of the teacher-student, staff-student, supervisor-employee or other professional relations within the University. The University’s policy on Faculty-Student Relationships (Policy 02-04-03) prohibits intimate relationships between a faculty member and a student whose academic work, teaching or research is being supervised or evaluated by the faculty member. If an intimate relationship should exist or develop between a faculty member and a student, the University requires the faculty member to remove himself/herself from all supervisory, evaluative, and/or formal advisory roles with respect to the student. Failure to do so may subject the faculty member to disciplinary action.

V. COMPLAINT PROCEDURE

Any faculty, staff or student who believes he or she has been sexually harassed or retaliated against for complaining of sexual harassment or for providing information in an investigation or sexual harassment should contact a department chair, dean, director, supervisor, the Office of Affirmative Action, the Office of Human Resources, the Office of the Provost, the Coordinator of the University Student Judicial System, or the person(s) listed at the end of this document at one of the regional campuses. The complaint will either be handled by the person/office receiving the complaint or referred to the Office of Affirmative Action.

All complaints will be given serious, impartial and timely consideration. When an administrator or supervisor receives a complaint, oral or written communication with the person whose action the complainant found offensive may resolve the problem. If that does not resolve the matter, an investigation will be undertaken. The complainant and the accused will be informed of the findings of the investigation. While every effort will be made to protect the privacy rights of all
parties, confidentiality cannot be guaranteed.

If an individual is found to have violated the University's policy against sexual harassment, steps will be taken to stop the harassment and the violator will be subject to disciplinary sanctions, including, but not limited to, oral or written warning, required education program, mandatory counseling, reprimand, suspension, reassignment of responsibilities, termination of employment or expulsion from the University. If it is found that the complaint is without reasonable foundation, the parties will be so informed and will also be informed that no further action is warranted. A record of the findings and the action taken must be kept in the unit that handled the complaint.

Any faculty, staff or student who believes that he or she has been sexually harassed should first seek a resolution of this problem as outlined above. If that is not satisfactory, the complainant or accused can then appeal through one of the procedures indicated below.

VI. APPEAL PROCEDURE

Procedural Electives

The complainant and the accused have the right to appeal. To do so, he or she must file a formal written appeal either (1) to the University's Sexual Harassment Board or (2) according to existing grievance procedures for faculty, staff or students. Existing grievance procedures are described in the Faculty Handbook, Staff Handbook, Guidelines on Academic Integrity and Student Code of Conduct and Judicial Procedures.

Once a written appeal has been filed according to one of the procedures identified above, the same appeal may not be filed through an alternative procedure within the University.

The University Sexual Harassment Board

The Sexual Harassment Board is appointed by the Chancellor on advice of the Provost, the Senior Vice Chancellor for the Health Sciences and the Executive Vice Chancellor. The Board consists of three individuals, two of whom, one faculty member and one staff member, are appointed for three-year terms. One member, representing the complainant's faculty, staff or student status, is appointed upon receipt of that individual's appeal.

The Board has responsibility for investigating appeals filed with it and conveying its findings and recommendations to the appropriate dean or director within ninety (90) days of receipt of an appeal. Copies of Board findings are provided to the complainant, the accused and the Office of Affirmative Action.

A dean or director must take action within thirty (30) days of receiving the recommendations of the Board. The complainant, the accused, the administrator receiving the original complaint and the Office of Affirmative Action must be informed of the specific action taken.

Appeals of Board Findings and/or Sanctions

Findings of the Board and sanctions imposed by a dean or director may be appealed by any party to the complaint. Within thirty (30) days of the presentation of finding and/or imposition of a sanction, appeals must be submitted in writing to the appropriate senior
officer of the University, i.e., the Provost or Senior Vice Chancellor for the Health Sciences in complaints where a faculty member is the accused, the Executive Vice Chancellor in complaints where a staff member is the accused, or the Vice Provost and Dean of Students in complaints where a student is the accused. The senior officer then has thirty (30) days to respond to the appeal. Decisions resulting from such appeals to a senior officer are final.

VII. FOR ADDITIONAL INFORMATION

**Pittsburgh Campus**

Carol Mohamed  
Director, Office of Affirmative Action & Title IX Coordinator  
412 Bellefield Hall  
(412) 648-7860

Jane Volk  
Office of Human Resources  
100 Craig Hall  
(412) 624-8138

Alberta M. Sbragia  
Office of the Provost  
801 Cathedral of Learning  
(412) 624-2137

Deborah L. Walker  
University Student Judicial System  
738 William Pitt Union  
(412) 648-7918

**Bradford Campus**

Liza Greville  
Hanley Library  
(814) 362-5121

**Greensburg Campus**

Karen Antoniak  
108 Lynch Hall  
(724) 836-7116

**Johnstown Campus**

Laura Perry-Thompson  
248 Blackington Hall  
(814) 269-7070

**Titusville Campus**

Deborah Smith  
Biology Laboratory  
(814) 827-4400

VIII. FOR COUNSELING SERVICES

University Counseling Center  
334 William Pitt Union  
(412) 648-7930

Sexual Assault Services  
334 William Pitt Union  
(412) 648-7856

Theresa Horner  
G-10 Student Union  
Johnstown Campus  
(814) 269-7119

Faculty and Staff Assistance Program  
504 Medical Arts Building  
(412) 647-3327 or (866) 647-3327
IX. APPLICATION OF POLICY IN THE ACADEMIC SETTING

Consistent with section III. B. above, this Policy does not prohibit legitimate academic activities, such as lectures, classroom debates, reading assignments, presentations, coursework and publications, involving content of a sexual or gender-related nature that is reasonably related to the academic topic. For example, a class on human sexuality will necessarily involve reasonably related content of a sexual or gender-related nature that does not violate this Policy.

Of course, there are situations when sexual harassment may occur in an academic setting. For example, failing a student for refusing to exchange sexual favors for a better grade would not be protected by the First Amendment and would violate this Policy.

The Statement on Academic Freedom of the University’s Ad Hoc Committee on Academic Freedom may provide useful guidance in determining whether the conduct at issue is reasonably related to the academic subject matter.

X. REFERENCES

Policy 02-04-03, Faculty-Student Relationships

Policy 07-01-03, Nondiscrimination, Equal Opportunity, and Affirmative Action

The Statement on Academic Freedom of the Ad Hoc Committee on Academic Freedom the University of Pittsburgh found at http://www.pitt.edu/~provost/afstatement.html
Faculty-Student Relationships (Policy 02-04-03)
July 19, 1996

I. SCOPE

This policy establishes guidelines on relationships between faculty members and their students.

II. POLICY

The University’s educational mission is promoted by professional relationships between faculty members and students. Relationships of an intimate nature compromise the integrity of a faculty-student relationship whenever the faculty member has a professional responsibility for the student.

The University prohibits intimate relationships between a faculty member and a student whose academic work, teaching, or research is being supervised or evaluated by the faculty member. If an intimate relationship should exist or develop between a faculty member and a student, the University requires the faculty member to remove himself or herself from all supervisory, evaluative, and/or formal advisory roles with respect to the student. Failure to do so may subject the faculty member to disciplinary action.

Transgressions of this policy may result in the forfeiture of the legal and monetary protections of the University’s indemnification policy. See Policy 07-06-06, Faculty and Staff Indemnification.

III. DEFINITIONS

Faculty Member: refers to anyone appointed by the University as a teacher, researcher, or academic administrator, including graduate and undergraduate students so appointed.

Intimate: meaning sexual and/or romantic.

IV. REFERENCE

Policy 07-06-06, Faculty and Staff Indemnification
I. SCOPE

This document establishes procedures pertaining to the University’s prohibition against
discrimination and harassment, as fully set forth in the University of Pittsburgh’s
Nondiscrimination Policy 07-01-03 and the University’s Anti-Harassment Policy Statement.
Excepted from the scope is the University’s Sexual Harassment Policy, for which the policy and
procedure are set forth at 07-06-04.

II. NONDISCRIMINATION AND ANTI-HARASSMENT PROCEDURE

Any faculty, staff, or student who believes that he or she has been the victim of discrimination or
harassment in violation of the University’s Nondiscrimination Policy or Anti-Harassment Policy
Statement should contact his or her department chair, dean, director, immediate supervisor, or
one of the persons identified at the end of this document. Individuals have the right to raise
issues of discrimination or harassment without fear of retaliation. Complaints may be handled
by the person/office receiving the complaint or referred to another appropriate office within the
University.

All complaints, whether informal or formal, verbal or written, must be given serious, impartial
and timely consideration. Not every act or expression that might be offensive to an individual or
group will be considered a violation of the Nondiscrimination Policy or the Anti-Harassment
Policy Statement. Whether a specific act is a violation of policy will be determined on a case-
by-case basis, with due consideration for the protection of individual rights, freedom of speech
and academic freedom. While every effort will be made to protect the privacy of all parties,
confidentiality cannot be guaranteed.

If a matter is not resolved informally, a prompt investigation will be undertaken by the
appropriate office. In addition to the complainant and the accused, appropriate administrative
personnel will be notified of the findings of the investigation.

If the investigation concludes a violation of University policy has occurred, a chair, dean,
director, supervisor or head of a responsibility center should initiate action within thirty (30) days
of receiving the findings and recommendations of the investigating office. The complainant and
the accused will be informed when action has been taken.

If an individual is found to have violated the University’s non-discrimination policy and/or anti-
harassment policy statement, prompt steps will be taken that are reasonably calculated to stop
the discriminatory conduct or harassment and, depending on the seriousness of the violation,
the violator may be subject to disciplinary sanctions, including by not limited to, oral or written
warning, required education program, mandatory counseling, reprimand, suspension (with or without pay), reassignment of responsibilities, termination of employment or expulsion from the University. If it is found that the complaint is without reasonable foundation, the parties will be so informed and will also be informed that no further action is warranted. All parties will be advised that retaliation is prohibited against any person who makes a claim of discrimination or harassment or provides information in an investigation of discrimination or harassment. A record of the findings, recommendations, and the action taken must be kept in the unit that handled the complaint.

Once a complaint has been reviewed and/or investigated as noted above, the determination of the chair, dean, director, head of responsibility center or supervisor may be appealed by the complainant or the accused as described below.

III. APPEAL PROCEDURE

The findings of an investigation and the actions of a chair, dean, director, head of responsibility center or supervisor may be appealed within thirty (30) days. Appeals must be submitted in writing to the appropriate senior officer of the University, i.e., the Provost or Senior Vice Chancellor for the Health Sciences in complaints where a faculty member is the accused, the Executive Vice Chancellor in complaints where a staff member is the accused, or the Vice Provost and Dean of Students where a student is the accused. The senior officer has thirty (30) days to respond to the appeal. Decisions of the senior officer are final.

Once a written appeal has been filed according to this procedure, the same appeal may not be filed through an alternative procedure within the University.

IV. FOR ADDITIONAL INFORMATION ON HOW TO PROCEED OR ON THIS PROCEDURE

PITTSBURGH CAMPUS

Faculty, Staff or Students
Carol W. Mohamed
Office of Affirmative Action
Diversity and Inclusion
Director, (Title IX, 504 and ADA Coordinator)
412 Bellefield Hall
412-648-7860

Faculty
Carey D. Balaban
Vice Provost for Faculty Affairs
826 Cathedral of Learning
412-624-5749

Students - Undergraduate
Deborah Walker
Student Conduct Officer
738 William Pitt Union
412-648-7910

Staff
John Greeno
Associate Vice Chancellor
Office of Human Resources
117 Craig Hall
412-624-4645

Graduate Students/Postdocs
Alberta M. Sbragia
Vice Provost for Graduate Studies
801 Cathedral of Learning
412-624-2137

Students - Undergraduate
REGIONAL CAMPUSES

Bradford Campus
Liza Greville
202 Hanley Library
814-362-5121
724-836-9993

Johnstown Campus
Laura Perry-Thompson
UPJ Outreach
114 Blackington Hall
814-269-7070
724-836-7116

Titusville Campus
Shelly L. Proper
Director of Counseling/Student Development
Office of Student Affairs
814-827-4465
724-836-9954

Greensburg Campus
Faculty
Martha Koehler
129 Powers Hall

Staff
Karen Antoniak
Director of Human Resources
108 Lynch Hall

Students
R. Leigh Hoffman
Assistant Dean Student Services
219 Chambers Hall

V. FOR COUNSELING SERVICES

Faculty and Staff Assistance Program
University Counseling Center
504 Medical Arts Building
334 William Pitt Union
(412) 647-3327 or (800) 647-3327
(412) 648-7930

Robert J. Yaskanich
121 Blackington Hall
Johnstown Campus
814-269-7118

VI. REFERENCES

Policy 07-01-03, Nondiscrimination, Equal Opportunity, and Affirmative Action

Policy 07-06-04, Sexual Harassment
The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. Accordingly, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity or expression, genetic information, disability, or status as a disabled veteran or a veteran of the Vietnam era. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University’s mission. This policy applies to admissions, employment, and access to and treatment in University programs and activities. This is a commitment made by the University and is in accordance with federal, state, and/or local laws and regulations.

For information on University equal opportunity and affirmative action programs and complaint grievance procedures, please contact the University of Pittsburgh, Office of Affirmative Action, 412 Bellefield Hall, Pittsburgh, PA 15260; 412-648-7860.