

EQUAL EMPLOYMENT OPPORTUNITY

Nondiscrimination Policy

Peirce College is an Equal Opportunity Institution. The College is committed to ensuring equal opportunity in all employment decisions, policies, and practices, and in connection with all educational programs and activities.

The College will not engage in or tolerate unlawful discrimination, harassment, or retaliation on the basis of race, gender, ethnicity, religion, a religious group's actual or perceived shared ancestry or ethnic characteristics, age, national origin, color, disability, marital status, familial status, veteran status, ancestry, genetic characteristics, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, creed, citizenship, sexual orientation, gender identity or expression, military status, or any other protected classifications in its employment, admissions, programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and other applicable statutes and College policies.

The College's Policy on equal employment opportunity supports and is consistent with the College's commitment to enhancing diversity and inclusiveness. (Please refer to the ***Diversity & Inclusion Mission Statement*** which appears in Section B of this Handbook.)

Resources/Contact Information

The Vice President, Human Resources/Chief Diversity & Inclusion Officer has been designated as the **Title IX Coordinator** to handle inquiries regarding non-discrimination policies (including policies prohibiting harassment and retaliation) and to serve as the overall campus coordinator for purposes of Equal Opportunity and Title IX compliance, and is available at 3R Alumni Hall, hsgolen@peirce.edu, or (215) 670-9328.

In addition, the following individuals have been designated as Deputy Title IX Coordinators:

- The Director, Employment & Employee Services will serve as the Deputy Title IX Coordinator for matters related to prospective or current employees, and is available at 3R Alumni Hall, dmjuarez@peirce.edu, or (215) 670-9217.
- The Assistant Dean, Student Support Services will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available at 2 Alumni Hall, tathomas@peirce.edu, or (215) 670-9423.

- The Dean, Academic Advising & Registrar will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available at 3 Alumni Hall, svbegley@peirce.edu, or (215) 670-9072.
- The Director, Undergraduate Admissions will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available at 1 College Hall, slgauthney@peirce.edu, or (215) 670-9279.
- Director, Student Financial Services will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available at 1 College Hall, rmwyatt@peirce.edu, or (215) 670-9332.
- Director, Career Development Services will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available at 6 College Hall, lballway@peirce.edu or (215) 670-9292.
- Associate Director, Faculty Recruitment & Professional Development will serve as the Deputy Title IX Coordinator for matters related to prospective or current faculty, and is available at 2 College Hall, [gamarte1@peirce.edu](mailto:gamate1@peirce.edu) or (215) 670-9256.
- Assistant Professor, Health Programs will serve as the Deputy Title IX Coordinator for matters related to prospective or current faculty, and is available at 2 College Hall, jmloggains@peirce.edu or (215) 670-9395.

The following individuals have been designated to handle inquiries regarding the Americans with Disabilities Act, the Rehabilitation Act, and related statutes and regulations:

- The Chief Employee Services/Risk Management Officer who is a member of the Human Resources Department will serve to handle matters related to prospective or current employees, and is available at 3R Alumni Hall, akmurphy@peirce.edu, or (215) 670-9277.
- The Perkins Grant/Student Disability Services Coordinator will serve to handle matters related to prospective or current students, and is available at the Mary W. Walker '33 Center for Academic Excellence, 2 Alumni Hall, dsfrank@peirce.edu, or (215) 670-9251.

Inquiries concerning the application of anti-discrimination laws may be referred to the Title IX Coordinators or to the Office for Civil Rights, United States Department of Education. For further information on notice of nondiscrimination, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the U.S. Department of Education Office that serves your area, or call 1 (800) 421-3481.

Policy Prohibiting Sexual Harassment

The College will neither engage in nor tolerate sexual harassment. Consistent with the foregoing, the following behaviors are prohibited, whether by a man or a woman and whether directed at a man or a woman:

- To threaten or insinuate, expressly or implicitly, that any person is required to submit to sexual advances or to provide sexual favors as a condition of employment or academic advancement, continued employment academic advancement or any term, condition or benefit of employment or academic decisions, or that a person's refusal to submit to sexual advances or to provide sexual favors will affect adversely the person's employment, academic advancement, continued employment or advancement or any term, condition or benefit of employment or academic advancement;
- To make any employment decision or take any employment or academic action based on a person's submission to or refusal to submit to sexual advances; and
- To engage in unwelcome sexually-oriented or otherwise hostile conduct which has the purpose or effect of interfering unreasonably with another person's work or academic performance or of creating an intimidating, hostile, abusive or offensive working or academic environment.

Sexual harassment also includes acts of sexual violence, sexual assault and other sexual misconduct (collectively, "sexual violence") and is prohibited by this Policy.

Sexual violence refers to when a person is physically forced to engage in a sexual act against a person's will, is coerced into engaging in such acts or where a person is physically or mentally incapable of giving consent including, for example, due to the use of drugs or alcohol or an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. [Please refer to the Policy entitled **Sexual Violence (Awareness, Prevention, and Response)** which appears in Section H of this Handbook for additional information and resources.]

Examples of behaviors, communications, etc. that are inappropriate, and as such, prohibited, regardless of whether they constitute unlawful sexual harassment include, but are not limited to:

- Demanding or threatening adverse employment or academic actions if sexual favors are not granted;
- Unwanted and unnecessary physical contact such as pinching, patting, repeated brushing against an individual's body;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Display of pornographic material;
- Excessively offensive remarks, including unwelcome graphic or suggestive comments about an individual's body, appearance or dress;
- Obscene jokes or other inappropriate use of sexually explicit or offensive language;

- Cyber-harassment;
- The display in the workplace of sexually suggestive objects or pictures which create an intimidating or hostile work environment; and
- Other unwelcome and unwanted conduct of a sexual nature, such as leering, name calling and sexual innuendos.

Policy Prohibiting Harassment on Account of Other Protected Categories

Harassment of an individual on account of other protected categories is unlawful and prohibited by this Policy. Such harassment includes any unwelcome or unwanted attention, and other verbal, visual, or physical conduct or other form of offensive behavior directed toward an individual because of or on account of the individual's race, gender, ethnicity, religion, a religious group's actual or perceived shared ancestry or ethnic characteristics, age, national origin, color, disability, marital status, familial status, veteran status, ancestry, genetic characteristics, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, creed, citizenship, sexual orientation, gender identity or expression, military status, or any other protected classifications when:

- Submission to or rejection of such conduct by an individual is used as a basis or factor in decisions affecting the terms or conditions of employment, educational instruction or status and/or participation in other College program or activity;
- Submission to or rejection of such conduct by an individual is used either explicitly or implicitly as a basis for a decision affecting an individual's employment, educational instruction or status and/or participation in other College program or activity; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's working conditions, educational experience, and/or participation in a program or activity by creating an intimidating, hostile or offensive academic, employment, or educational environment.

Examples of the types of conduct that are inappropriate and violate this Policy, regardless of whether they constitute unlawful harassment on account of other protected categories include, but are not limited to:

- Communication or display of offensive material capable of a stereotypical or discriminatory meaning;
- Offensive remarks containing stereotypical or discriminatory references, including unwelcome comments about an individual's body, appearance, manner, speech or dress capable of a stereotypical or discriminatory meaning;
- Racial, religious, ethnic or other stereotypical or discriminatory jokes or other inappropriate use of racial, religious, ethnic or other discriminatory language capable of a stereotypical or discriminatory meaning;
- The display in the workplace of objects, drawings or pictures which create an intimidating or hostile work environment; and
- Other unwelcome and unwanted conduct of a stereotypical or discriminatory nature, such as name calling and racial, religious or ethnic innuendos.

Policy Prohibiting Retaliation

The College will neither engage in nor tolerate unlawful retaliation of any kind against any person (student or employee) who makes a complaint of unlawful discrimination, harassment, or retaliation, serves as a witness or otherwise participates in the investigatory process. The College will also refrain from penalizing an employee in terms, conditions or privileges of employment for requesting or using an accommodation, including in connection with the employee's pregnancy (including pregnancy, childbirth, or medical conditions related to pregnancy or childbirth). As with all other provisions of this Policy, all employees are protected by this provision as well as restricted in terms of what they do.

Prohibited retaliation includes adverse tangible employment or educational actions, such as denial of a raise or promotion or a reduction in a course grade. It also may include, in some circumstances, other material changes in the terms and conditions of employment, such as work assignments. Prohibited retaliation also may include adverse actions independent of the workplace or educational environment, such as trying to exclude an individual from membership in an outside professional organization because of a complaint he or she made at work.

It is no defense to retaliation by any person that the complaint did not have legal merit. Generally speaking, so long as an individual acts in good faith in making a complaint alleging unlawful discrimination, harassment, or retaliation, or serving as a witness or otherwise participating in the investigatory process, no adverse action can be taken against him or her because he or she made the complaint, served as a witness or otherwise participated in the investigatory process.

Prohibited retaliation will be handled under this Policy in the same manner and subject to disciplinary/corrective action to the same degree as any other violation of this Policy.

Scope of Policy

It is important to remember that these prohibitions apply not only to oral and written communications, but also to electronic communications via Peirce College Technology which include, email and voicemail, Internet communications and searches, and other technology assisted communications. (Please refer to provisions described under the Policy entitled **Acceptable Usage Policy** which appears in Section F of this Handbook.)

The prohibitions on inappropriate behavior set forth above apply not only in the workplace itself but also to all other work-related settings, such as meetings and work-related social functions. In connection with responding to complaints that arise from events that initially occurred off College property or outside a College program or activity, the College will consider the on-campus impact.

It is of no defense to inappropriate behavior that there was no bad intent, it was only a joke or that it was not directed at any person.

Discrimination, Retaliation, or Harassment Advanced By Nonemployees

The prohibitions against unlawful discrimination, harassment, and retaliation set forth in this Policy apply not only to the College's officers, employees (including faculty, administration, and support staff), but also to nonemployees (such as students, alumni, the College's contractors [including Co-op employers], and the College's vendors and suppliers) with whom you may come into contact and/or interact in connection with your employment with the College. Consequently, if you believe that you have been discriminated against, harassed (sexually or otherwise), or retaliated against by a nonemployee in connection with your employment, you should use the complaint procedure set forth below. Conversely, the prohibitions set forth in this Policy apply to your conduct relative to nonemployees with whom you may come into contact and/or interact in connection with your employment with the College.

Discrimination and harassment complaints filed by employees against students are subject to a separate procedure set forth in the ***Student Policy Handbook***. (Please refer to the ***Student Policy Handbook*** which is available on the College's website at www.peirce.edu.)

Social Relationships with Others Associated with Peirce College

Sometimes social relationships develop at work. While you have a right to say "yes," you also have an absolute right to say "no."¹ Consequently, if you feel any unwelcome pressure to become involved with any College officers, employees (including faculty, administration, and support staff), students, alumni, contractors (including Co-op employers), vendors, or suppliers, or other nonemployees with whom you come into contact and/or interact in the course of your employment, we urge you to use the complaint procedure set forth below.²

Reasonable Accommodations

The College makes reasonable accommodations with respect to disabilities (including disabilities caused by, exacerbated by, or related to pregnancy)

An employee does not have to use the words "reasonable accommodation" or "disability" in order to make a request for a reasonable accommodation. Upon receiving a request for a reasonable

¹ Although not prohibited, all faculty, administration, and support staff are strongly discouraged from dating (or attempts at dating) and from entering into relationships of a romantic or sexual nature (1) if working in positions in which there is a direct supervisory relationship between the individuals or in which either individual has the authority to influence, directly or indirectly, any term or condition of the employment of the other individual, or (2) with a Peirce College student whereby the faculty, administrative or staff member has the authority to influence, directly or indirectly, any term or condition of the student's status. If such a relationship develops, employees must notify their respective supervisors, a member of the Executive Leadership Team, or a member of the Human Resources Department.

² If you ask an employee or any nonemployee with whom you come into contact for a date and the person says "no," you cannot ask him or her again. Nor can you retaliate against him or her in any way.

accommodation, the College will comply with its legal obligation to engage in an interactive process to make an individualized determination of whether a reasonable accommodation can be provided without an undue hardship on the College. . The College will treat a medical condition or complication that is caused or exacerbated by pregnancy no differently than other medical conditions for the purpose of determining whether an employee is disabled, engaging in the interactive process, and evaluating whether an employee is entitled to a reasonable accommodation (for example, Leave of Absence and/or time off). A reasonable accommodation will not be provided if it creates an undue hardship on the College. In addition, once approved, the continued need for an accommodation will be reviewed on an on-going basis, as appropriate.

In addition, an employee may be eligible for a reasonable accommodation due to pregnancy, childbirth or medical conditions related to pregnancy or childbirth, even if not disabled. Such accommodations may include restroom breaks, periodic rest for those whose jobs require that they stand for long periods of time, special assistance with manual labor, leave for a period of disability arising from childbirth, reassignment to a vacant position, and job restructuring. When employees notify the College of pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, and request reasonable accommodations relating to same, the College will comply with its legal obligation to engage in an interactive process to make an individualized determination of whether a reasonable accommodation can be provided on behalf of such employees which does not impose undue hardships on the College.

Finally, upon request, the College also will make reasonable accommodations which do not impose an undue hardship on the College with regard to an employee's religious observances, practices and beliefs of which the College is made aware.

If you believe that you require a reasonable accommodation, please contact the Chief Employee Services/Risk Management Officer at 215-670-9277 or another member of the Human Resources Department located at 3R, Alumni Hall. All information associated with a disclosure of this nature will be kept confidential, except to the extent such information needs to be shared to respond to and assess an employee's accommodation request.

An employee will be required to provide current documentation to support the request for a reasonable accommodation. The College reserves the right to require an employee to go to an appropriate health care professional of the College's choice if the employee provides **insufficient documentation** from his or her treating physician (or other health care professional) to substantiate the request for a reasonable accommodation.

The Chief Employee Services/Risk Management Officer or his or her designee, and the employee, along with the supervisor, as necessary, will evaluate the employee's request for an accommodation and may propose alternative accommodations.

If a student should disclose to you that he or she has a need for an accommodation, you must **immediately refer** the student to the Perkins Grant/Student Disability Services Coordinator, who is available at the Mary W. Walker '33 Center for Academic Excellence, 2 Alumni Hall, 215-670-9251. In addition, you should **document** the student's disclosure and/or request for an accommodation and that you referred the student to the Perkins Grant/Student Disability Services Coordinator. All information associated with a disclosure of this nature is confidential except to the extent such information needs to be shared to respond to and assess an student's accommodation request and, therefore, you are limited to communicating this information to others only on a need-to-know basis.

Complaint Procedure for Equal Opportunity Related Concerns

The College encourages the reporting of all incidents of discrimination, harassment (including but not limited to sexual harassment, sexual assault and sexual violence), and/or retaliation.³

If you believe that you have been unlawfully discriminated against, harassed, or retaliated against by any College officer, employee (including a member of the faculty, administration, or support staff), student, alum, contractor (including a Co-op employer), vendor, or supplier, or other nonemployee with whom you may come into contact and/or interact in connection with your employment with the College, please speak immediately to your supervisor, a member of the Executive Leadership Team, or a member of the Human Resources Department. The Vice President, Human Resources/Chief Diversity & Inclusion Officer who also serves as the Title IX Coordinator is a member of the Human Resources Department and is available at 3R Alumni Hall, hsgolen@peirce.edu, or 215-670-9328. Please speak with the person with whom you feel most comfortable.⁴ Please note that, if you prefer, you may leave an anonymous complaint using Peirce's online system at www.peirce.ethicspoint.com or by calling the hotline phone number **(855) 857-5885**.

The College will:

- Conduct a prompt and thorough investigation;⁵
- Disclose allegations only to the extent necessary to conduct the investigation and/or take corrective action;⁶
- Take corrective/disciplinary action with respect to any employee or nonemployee who has engaged in illegal and/or inappropriate behavior, up to and including paid or unpaid suspension,⁷ or termination of employment or other relationship; and
- Neither engage in nor tolerate any unlawful retaliation against anyone who makes a complaint alleging unlawful discrimination, harassment, or retaliation, serves as a witness, or participates in the College's investigation.

³ As mentioned above, the College makes additional resources available to individuals who believe they have been subjected to an incident of sexual assault/sexual violence. [Please refer to the Policy entitled **Sexual Violence (Awareness, Prevention, and Response)** which appears in Section H of this Handbook for additional information and resources.]

⁴ You also may approach the person who is harassing you or treating you unfairly and notify the person that the conduct or behavior is unwelcome. However, the College realizes that in some instances such action may not be appropriate and you are not required to do so.

⁵ The investigation shall proceed in a timely manner and every effort will be made to conclude the investigation within 60 days of the College's receipt of the complaint. The standard of proof utilized during an investigation of sexual harassment, sexual violence, sexual assault, or other sexual offenses shall be "preponderance of the evidence."

⁶ An individual has the option to file a formal criminal complaint with the appropriate law enforcement agency, to pursue the College's internal complaint process or to pursue both processes simultaneously. Where both an external criminal complaint is being investigated as well as an internal complaint is being investigated by the College, the College will proceed with its own internal investigation and will not unduly delay such investigation, even while law enforcement personnel are conducting their investigation.

⁷ Exempt and Salaried Nonexempt employees who violate this Policy may be suspended without pay in full day increments only.

At times, it may be appropriate to explore whether informal resolution will address a conflict. However, the College does not require that parties participate in the informal resolution process. Moreover, the parties have the right to end the informal resolution process at any time and utilize the formal complaint process at any time. Finally, some reports of discrimination or harassment, such as sexual violence or other forms of physical assault are never appropriate for informal resolution and will require a formal investigation.

The College understands and appreciates that, at times, an individual who reports an act of harassment (including sexual harassment), discrimination or retaliation may wish to remain anonymous and may not wish to pursue the internal disciplinary process.

Regardless of whether a formal complaint is filed, if the College has credible notice – either direct or indirect – of possible discrimination, harassment or retaliation against a member of the College community, it will take immediate and appropriate steps to evaluate what occurred and determine if further action is required as well as prevent any further recurrence. Any response to such notice may be limited if the events giving rise such notice cannot be verified by independent facts. By way of example, the College will investigate allegations of sexual harassment, and take appropriate action, even if a complainant does not wish to pursue the disciplinary process; however, a complainant should be aware that any response may be hindered by the complainant's wish to anonymity and/or inaction.

The College may at any point in the complaint process elect to place an individual on Leave, reassignment, or authorize other types of temporary measures to ensure the safety and well-being of others while the complaint process is pending, including but not limited to “no contact” provisions.

Note: In connection with complaints of sexual violence/harassment, additional procedures may apply. [Please refer to the Policy entitled ***Sexual Violence (Awareness, Prevention, and Response)*** which appears in Section H of this Handbook.]

If you are not entirely satisfied with how a complaint has been handled, please contact the President & Chief Executive Officer of the College in writing so that he or she can look into your concerns.