

# SEX DISCRIMINATION POLICY

Eastern University *Student Handbook* 2009-2010, pp. 49-52.

## I. Statement of Policy

Eastern University is committed to complying with all State and Federal laws prohibiting discrimination, including Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination on the basis of sex.

## II. Prohibited Acts

Title IX of the Educational Amendments of 1972 states:

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

Title IX, as it pertains to the Eastern University community, applies to but is not limited to, fair practices regarding: recruitment, admissions, housing, athletic, and extracurricular activities, rules and regulations, discipline, class enrollment, access to programs, courses, and internships, distribution of financial assistance, distribution of institutional resources, hiring practices, employment, promotion, and policies, among other things.

## III. Title IX Coordinator

The Title IX coordinator responsible for Title IX compliance at Eastern University is the Vice President for Student Development, Walton 200, St. Davids. Phone: 610-341-5823, Email: [bbrigham@eastern.edu](mailto:bbrigham@eastern.edu).

## IV. Complaint Procedures

Any person at Eastern University who believes that s/he has been discriminated against on the basis of sex (the “complainant”), by Eastern University students, faculty, staff, or outside third parties is encouraged to promptly take the following actions:

1. Immediately communicate with the individual perceived as engaging in discriminatory conduct (the “respondent”) and request a proposed course of action to resolve the situation.
2. If the matter cannot be resolved at that level or if the complainant does not wish to or feel comfortable communicating directly with the respondent, then the complainant may make a complaint in writing within two weeks of the alleged discriminatory conduct to the Vice President for Student Development. If the Vice President for Student Development is involved in the acts that the complainant believes to be discriminatory, then the complaint should be made to the General Counsel.
3. The complaint should provide the following information.
  - a. The names, addresses and telephone numbers, if available, of the complainant and respondent;
  - b. Specific acts alleged, including dates, times and locations;
  - c. Names of any potential witnesses, including addresses and telephone numbers, if available;
  - d. Actions taken by any party to address the discrimination, if any.

## V. Investigation Procedures

The following procedures will govern all investigations of complaints alleging violations of this policy. Eastern reserves the right to deviate from these procedures only when such deviation is necessary to ensure appropriate processing of the investigation.

1. The investigation will begin within 10 *work days*<sup>1</sup> of the receipt of the complaint. Should the Vice President for Student Development be unavailable within the time frame, his/her designee will act instead. If the Vice President for Student Development or his/her designee is involved in the alleged discrimination, the complaint will be investigated by General Counsel.
2. The Vice President for Student Development, or his/her designee(s), will investigate allegations of violations of this policy.
3. If the complainant or the respondent is under 18 years of age h/her parent or legal guardian will be notified of the complaint via phone, e-mail or US mail.
4. The investigation should include interviewing the complainant and the respondent, as well as any relevant witnesses suggested by the complainant and the respondent.
5. The investigation should also include interviewing any additional witnesses or reviewing any documents deemed relevant by the Vice President for Student Development or his/her designee(s).
6. Confidentiality of the investigation will be maintained to the extent possible.
7. If witnesses cannot be reached or are not available, the complaint will be investigated in their absence.
8. After all available information is reviewed and interviews are completed, the Vice President for Student Development or his/her designee(s) will:
  - a. Determine whether a violation of this policy has occurred, and if so, the appropriate response.
  - b. Notify the complainant and the respondent either verbally or in writing of the outcome of the investigation within five working days after the completion of the investigation.
  - c. Make recommendations to the appropriate supervisor/dean regarding discipline, if warranted.
  - d. Partner with departments, divisions, programs and Deans to take any corrective action as may be appropriate under the circumstances.
9. All complaints will be adjudicated as expeditiously as possible and generally within 30 *work days*.

## VI. Appeal Procedures

1. Within two weeks of being notified by the Vice President for Student Development or his/her designee of the decision regarding the investigation, either party may appeal the decision by submitting a written statement of the basis for the appeal to Judiciary Board.

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<sup>1</sup> Work days is defined as days in a row, when the University is open for business, excluding Saturday and Sunday.

2. Appeals will be heard by the aforementioned Judiciary Board who will hear/review statements (oral or written) from the parties and review evidence compiled by the Vice President for Student Development during his/her investigation. All appeals will be heard as expeditiously as possible and generally within 30 *work days*.

3. Eastern University believes that individuals involved in a sex discrimination investigation should be heard in final appeal by an impartial Judiciary Board with representation by at least one member from their primary constituency group (i.e., student, faculty or staff, which includes administration). Accordingly, members of the Judiciary Board shall reflect the primary constituency group of the complainant and the respondent.

When the alleged discrimination involves:	The Judiciary Board will be composed of:
Faculty and student	Faculty and student(s)
Staff and student	Faculty, staff and student(s)
Student and student	Faculty and student(s)
Staff and staff or Faculty and staff	Faculty and staff
Faculty and faculty	Faculty

4. The decision of the Board will be communicated to the complainant within five working days of the conclusion of the Board's investigation. The decision of the Board will be final.

## VII. Retaliation

Retaliation against a person who brings a complaint alleging a violation of this policy or who participates in an investigation is strictly prohibited. Retaliation will be cause for appropriate disciplinary action in accordance with the procedures set forth above.

Students, faculty or staff who *knowingly* make false charges alleging violations of this policy may be subjected to disciplinary action, as well as any related/relevant civil or criminal legal proceedings.