

## An Overview of Penn Policies and Guidelines

In the pages that follow, four key University policy documents are republished to inform newcomers and remind others of some of Penn's fundamental policies. Last year, the University Council recommended republication of these documents each year, and we fully concurred.

The first document (page II) is the University's *Affirmative Action Policy*, which applies to faculty and staff recruiting, appointments, and promotions, as well as to student recruiting and enrollment. One of our prime objectives as a university is to increase the numbers of women and minority faculty, students, and staff on the campus. This policy and its implementation is a key element in achieving that goal.

The second document (pages II-III) is a statement we issued last year on *Conduct and Misconduct*. It states clearly and forcefully certain obligations required for membership in the University community. Those obligations underlie the University's consciously general conduct code, which is published in various handbooks and bulletins. In addition, we established last year a Task Force on Conduct and Misconduct. The Task Force issued an initial report last year. The next issue of *Almanac* will contain a second, though still interim, report *For Comment* by members of the University community.

The third document (page III) is the University's *Policy on Sexual Harassment*. We cannot underscore too strongly both the obligation of every member of the University community to abide by the terms of this policy and also our continuing commitment to its vigorous enforcement.

Finally, key excerpts from the University's *Policy on Open Expression* are reprinted (page IV). This policy is designed to ensure full expression of views while limiting interference with the rights and activities of others. The policy is monitored by the University Committee on Open Expression.

These documents are of central importance, and we ask particularly that all members of the University community review them with care. The University also has numerous other policies and guidelines. Some of them originate internally, while others are codifications of public laws. All are available in the central offices of the Schools and non-academic centers, and in department offices. All faculty and staff should be familiar with those that may be applicable to their work. For example:

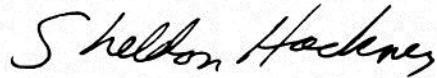
**Teaching and research:** The policies on *conflicts of interest* and on *photocopying of copyrighted materials* for educational purposes are reprinted in the 1983 edition of the *Handbook for Faculty and Academic Administrators* as is the *University patent policy*. Both also appear in the *Academic Bulletin for Undergraduates* and the *Research Investigative Handbook*. Questions concerning federal copyright law should be addressed to the General Counsel of the University. Shelley Z. Green, Esq., at 110 College Hall. Information on patent policies, assistance with patent processes, and on corporate-sponsored research can be obtained from the Director of Research Administration, Anthony Merrit, 409 Franklin Building.

**Disclosure of Information:** University policy on *confidentiality of student records*, which incorporates our policy in compliance with the Buckley Amendment, can be found in both the *Academic Bulletin* and the *Handbook for Faculty and Academic Administrators*.

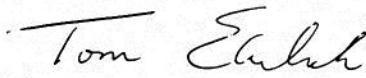
*Confidentiality of records of faculty and staff* is covered in the *Handbook for Faculty and Academic Administrators* and in the *Personnel Policy Manual*, issued to each University office by the Office of Human Resources, 737 Franklin Building.

All University policy documents, rules, and regulations can also be examined at the Office of the Secretary of the University, 121 College Hall. As a first step, however, we urge that faculty members turn to their departmental office, and nonacademic personnel to their administrative office or the staff relations section of the Office of Human Resources.

Finally, the Office of the Ombudsman, Dr. Barbara Lowery, is a key resource for questions concerning both rights and responsibilities of faculty, staff, and students.



Sheldon Hackney, President



Thomas Ehrlich, Provost

## Why Affirmative Action?

### *A Reaffirmation of Commitment to Affirmative Action at Penn*

Recently, court decisions and actions by some government agencies have once again seemed to limit the legitimacy of affirmative action and have called into question its viability. Given the clear signals being given by the current administration in Washington, it is an important time for the University to address again the connection between the purposes of the University and the goals of the Affirmative Action Program, and to reaffirm our commitment to affirmative action within the University.

Increased representation of minorities, women and disabled persons among the faculty, staff and student body continues to be an important goal of the University of Pennsylvania, not because of any legal mandates but because it is just, and because the resulting diversity will enrich the experiences of everyone in the campus community and help us achieve our educational goals.

The University of Pennsylvania's special character is reflected in the diversity of people it attracts to its community. Just as we have drawn advantage from the complexity of our intellectual makeup, and the especially strong global dimension of our programs, so the human community that comprises the University gains strength from its diversity. Men and women of different races, religions, nationalities, regions and economic backgrounds are needed to achieve the University's ultimate purpose: the improvement of the human condition through the pursuit of learning. Diversity is prized at Penn not only because it fulfills a commitment to equal educational opportunity, but because it helps to create the educational environment that best prepares people to contribute to an increasingly diverse and rapidly shrinking world. We have a clear commitment to affirmative action. We must continue, therefore, to seek talented faculty, students, and administrative staff who will help constitute a community at Penn, diverse in race, ethnicity, interests, and perspectives, and unified in a commitment to the University.



## Policy Statement on Equal Opportunity/Affirmative Action

The University of Pennsylvania, which includes the hospital, does not discriminate on the basis of race, color, sex, sexual or affectional preference, age, religion, national or ethnic origin, or handicap. The University's policy applies to faculty and other employees, applicants for faculty positions and other employment, students, and applicants in educational programs and activities.

Such a policy in recruitment, appointment, promotion, transfer, compensation, benefits, training, tuition assistance, lay-offs, terminations and social and recreation programs and in all educational programs and activities is fundamental to the effective functioning of an institution of teaching, scholarship, and public service. However, simple absence of discrimination is not sufficient. The task is to act positively toward the elimination of all patterns of unequal treatment. The University's affirmative action policies are dedicated to the full realization of equal opportunity for all.

As required by law and its own policies, the University maintains written affirmative action plans for women and minorities; for handicapped individuals; and for disabled and Vietnam Era Veterans. The affirmative action plans of the University of Pennsylvania are available from the Office of Affirmative Action.

Any concerns related to these policies should be directed to the Office of Affirmative Action located in Bennett Hall, Room 4.

## Conduct and Misconduct on Campus

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Any community depends on trust. No set of rules and regulations, no codes of conduct, can legislate or take the place of mutual respect. A willingness to recognize the dignity and worth of each person at the University is essential for membership in our community.

Incidents have occurred in the past on the campus that are contrary to this minimal standard. Some of those incidents evinced racial, ethnic, religious, sexual, or sexual-preference intolerance. Some involved unwanted sexual acts and remarks. In all of these cases, the actions violated the personal obligations we must maintain toward other members of our community.

Racial, religious, sexual, and ethnic slurs are inconsistent with the responsibility of each person on campus to respect the personal dignity of others. We do not, of course, expect everyone to like everyone else. We do, however, expect members of our University community to demonstrate a basic generosity of spirit that precludes expressions of bigotry.

Penn properly celebrates the diversity of its community. We come from many different backgrounds and include different races, religions, sexual orientations, and ethnic ancestries. Learning to understand the differences among us, as well as the similarities, is an important dimension of education, one that continues for a lifetime. Tolerance alone, however, is not enough. Respect and understanding are also needed. We should delight in our differences, should seek to understand them and appreciate the richness such diversity provides for our community.

Treating others with respect for their personal dignity also precludes behavior that we define as sexual harassment, a frequently misunderstood term. We use the term here, following the University policy, to mean "any unwanted sexual attention that: (1) involves a stated or implicit threat to the victim's academic or employment status; (2) has the purpose or effect of interfering with an individual's academic or work performance; or (3) creates an intimidating or offensive academic or work environment." The University policy strongly condemns such behavior. Sexual harassment most frequently happens when one person has some power and authority over another; it can occur in a workplace, in an academic department, in a residence hall, in a classroom, or elsewhere.

Because the relationship between teacher and student is central to the academic mission of the University, we believe it is essential to establish that the standard of expected conduct in that relationship goes beyond the proscription against sexual harassment as defined in the University's policy. No nonacademic or personal ties should be allowed to interfere with the academic integrity of the teacher-student relation. That integrity is at risk when sexual relations occur between them. What might appear to be consensual, even to the parties involved, may in fact not be so. On this basis, we believe that any sexual relations between any teacher and a student of that teacher are inappropriate. In this category we include relations that may occur between a graduate student and an undergraduate when the graduate student has some supervisory academic respon-

sibility for the undergraduate. Although we do not have the means to enforce an absolute prohibition against such relations, our judgment is that they are unethical.

In order to discourage such relations, in acting on complaints that come to our attention—at least until we have received and considered the advice of the Task Force—we will presume that any complaint of sexual harassment by a student against an individual is valid if sexual relations have actually occurred between them while the individual was teaching the student. The presumption might be overcome, but the difficulties in doing so would be substantial. In short, any teacher enters at peril into sexual relations with a student.

Many situations involving administrators, advisors, coaches, and others serving in mentor relationships also create the potential for

abuses. By focusing particular attention on teachers and students, naturally we do not suggest that we countenance those abuses.

Student sexual misconduct in relation to other students is governed by the General Conduct Policy of the University: "All students of the University must conduct themselves at all times in a mature and responsible manner. The rights and property of all persons are to be respected regardless of time or place." A further question for the Task Force is whether more specific standards are needed regarding student misconduct concerning other students.

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To all members of the Penn community, we call for a year in which each of us helps to strengthen the human bonds of our community.

## OF RECORD



# REGULATIONS

## University Policy on Sexual Harassment

It is the purpose of this statement to reiterate the University's policy on sexual harassment and to identify the resources available to individuals who believe they have been subjected to such coercion. Provost's Memorandum #3-80, issued on May 6, 1980, defines the University's responsibilities in matters of sexual harassment:

"As an employer, the University seeks to ensure that the workplace is free from harassment. As an educational institution, the University's commitment to eradicating sexual harassment goes beyond the Equal Employment Opportunity Commission guidelines."

Sexual harassment in any context is reprehensible, and is a matter of particular concern to an academic community in which students, faculty, and staff are related by strong bonds of intellectual dependence and trust. Sexual harassment most frequently occurs when one person has some power and authority over another. For purposes of University policy, the term "sexual harassment" refers to any unwanted sexual attention that: (1) involves a stated or implicit threat to the victim's academic or employment status; (2) has the purpose or effect of interfering with an individual's academic or work performance; or (3) creates an intimidating or offensive academic, living, or work environment. The University regards such behavior as a violation of the standards of conduct required of all persons associated with the institution. Accordingly, those inflicting such behavior on others within the University setting are subject to the full range of internal institutional disciplinary action, including separation from the institution.

Any student, faculty member, or other employee who believes he or she is a victim of sexual harassment may report the complaint to his or her advisor or supervisor or to the supervisor of the person who is behaving objectionably; the individual who receives such a complaint has the responsibility to pursue the matter and may draw upon University resources. The person receiving the complaint must treat it as confidential, to be communicated only to the appropriate authorities. In addition, all persons who believe they are victims of harassment, including those who are reluctant to raise the matter with a supervisor, are encouraged to use the other avenues within the University through which guidance and counseling can be obtained, formal and informal complaints can be made, and corrective action, as appropriate, can be taken.

The following University resources and grievance mechanisms are available:

### A. General Resources

1) The *Women's Center* will aid students, faculty and staff with counseling, advocacy, advice and referral concerning formal and informal avenues of redress in matters of sexual harassment. The *Women's Center* does not conduct investigations, and will keep all information confidential.

2) The *Office of the Ombudsman* exists to help resolve grievances of all members of the University community—students, faculty and staff—on a confidential and informal basis, and can assist persons with complaints about sexual harassment to decide on the course of action that they want to take. The office is independent of the University's formal administrative structure and grievance mechanisms. The *Office of the Ombudsman* may also be requested by the *Office of Student Life* to undertake a formal investigation of charges of sexual harassment of students (see B-1a below).

### B. Additional Resources

1) *Students:* In addition to the General Resources listed in Section A above, students may call upon the following resources:

a) The Director of the *Office of Student Life* is responsible for dealing with student grievances arising under Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education. Grievances associated with student employment may also fall within the Director's purview. Complaints by students of sexual harassment may be made to the Director, who will supervise, or delegate to the *Ombudsman*, an investigation into the matter.

b) Student complaints of sexual harassment by faculty may be brought by the student or an advocate on behalf of the student to the department chair or dean of the faculty member. The appropriate *School Committee on Academic Freedom and Responsibility* may investigate the case, either on its own initiative or at the request of an academic administrator.

c) Victims of harassment may seek assistance from the *University Counseling Service*, *Gay and Lesbian Peer Counseling* and the *psychiatry section of the Student Health Service*. Contacts with these services are strictly confidential and may be particularly helpful to students desiring assistance in dealing with their feelings about their experience with sexual harassment.

2) *The University Staff and Faculty:* In addition to the General Resources listed in Section A above, nonacademic staff may utilize the formal grievance mechanism described in *Personnel Policy #801*. Faculty may utilize the *Faculty Grievance Procedure* described in the *Handbook for Faculty and Administration*.

—Thomas Ehrlich, Provost

# REGULATIONS

## OF RECORD



### Guidelines on Open Expression (Excerpts)

*The following excerpts (Parts I and III) of the Guidelines on Open Expression are printed at the request of the Committee on Open Expression. Part II deals with the makeup and responsibilities of the Committee on Open Expression, Part III sets forth the responsibilities of the vice provost for University life in maintaining the right of open expression under the guidelines, and Part V covers the application of the guidelines to non-University groups. The full guidelines are published in Intro To Penn and are available in the Office of the Secretary, 121 College Hall.*

#### I. Principles

A. The University of Pennsylvania, as a community of scholars, affirms, supports, and cherishes the concepts of freedom of thought, inquiry, speech and lawful assembly. The freedom to experiment, to present and to examine alternative data and theories; the freedom to hear, express, and to debate various views; and the freedom to voice criticism of existing practices and values are fundamental rights which must be upheld and practiced by the University in a free society.

B. Recognizing that the educational processes can include meetings, demonstrations, and other forms of collective expression, the University affirms the right of individuals and groups to assemble and to demonstrate on campus within the limits of these guidelines. The University also affirms that right of others to pursue their normal activities within the University and to be protected from physical injury or property damage.

C. The University should be vigilant to ensure the continuing openness and effectiveness of channels of communication among members of the University on questions of common interest. To further this purpose, a Committee on Open Expression has been established as a standing committee of the University Council. The Committee on Open Expression has as its major task: monitoring the communication process to prevent conflicts that might emerge from failure of communication, recommending policies and procedures for improvement of all levels of communication, interpreting these guidelines, investigating alleged infringements of the right of open expression of any member or members of the University community, advising administrative officers where appropriate, and participating in evaluation and resolution of conflicts that may arise from incidents or disturbances on campus.

D. For the purposes of these guidelines, the "University community" shall mean the following individuals:

1. Persons who are in attendance as students or who have been in attendance in the past and are currently on an unexpired official leave of absence.
2. All persons who are employed by the University. This includes faculty, staff and administrative employees.
3. Trustees and associate trustees of the University.

E. For the purposes of these guidelines, a distinction is drawn between the terms "meeting" and "demonstration." A meeting is a gathering in a University facility previously reserved for the purpose. A demonstration is a gathering in a University facility not previously reserved for the purpose.

#### III. Standards

A. The right of individuals and groups peaceably to assemble and to demonstrate shall not be infringed.

B. The substance or the nature of the views expressed is not an appropriate basis for any restriction upon or encouragement of an assembly or a demonstration.

C. The University should permit members of the University community, upon suitable request, to use any available facility or meeting room for purposes of open or private discussion.

1. The policies and procedures for assigning University facilities should be determined by the president or his delegates.
2. The Committee on Open Expression should be consulted in the determination of the substance of the policies and procedures and the manner of their publication by the University.
3. The policies and procedures should specifically address situations involving groups composed entirely or predominantly of persons not members of the University community.
4. Before a request of a University group to use any facility is rejected, for reasons other than the prior commitment of the facility or the like, the president or his delegate should consult with the Committee on Open Expression to obtain the advice and recommendations of that body.

D. Groups or individuals planning or participating in meetings or demonstrations should conduct themselves in accordance with the following standards:

1. Conduct that causes injury to persons or damage to property or which threatens to cause such injury or damage, or which attempts to coerce action under threat of such injury or damage, is not permissible.
  - a. Demonstrations should not be held inside laboratories, museums, computer facilities, libraries, offices which contain records protected by law or by existing University policy such as educational records or student-related or personnel-related financial records or the like, because of the risk of loss, damage or destruction of rare or irreplaceable documents, collections or equipment.
  - b. Meetings and demonstrations should not be held in places where there is a significant hazard of fire or building collapse or falling objects.
  - c. Meetings and demonstrations should not interfere with the operation of hospitals, emergency facilities, communication systems, utilities, or other facilities or services vital to the continued functioning of the University.
2. Meetings and demonstrations should be conducted in a manner that keeps within reasonable bounds any interference with or disturbance of the activities of other persons. The reasonableness of conduct may be determined by such factors as the time and place of the demonstration and the general tenor of conduct.
  - a. Demonstrations should not be held inside libraries or private offices, or inside classrooms or seminar rooms in which meetings or classes are being held or are immediately scheduled.
  - b. Meetings and demonstrations should not interfere with free and unimpeded movement in and out of buildings and rooms and through all passageways. This will generally be satisfied if at least one-half of each entrance, exit, or passageway is free from obstruction of any kind.
  - c. Noise level is not of itself a sufficient ground for making a meeting or demonstration improper, but may possibly, in particular circumstances, interfere and disrupt the activities of others in an impermissible way.