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**Policy Number:**

1.1.003

**Title:**

Nondiscrimination Policy

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## **1. POLICY STATEMENT**

Thaddeus Stevens College of Technology (the “College”) does not discriminate in its admissions, employment, or any of its education programs or activities based on race, color, ethnic or national origin, ancestry, religion, sex (including pregnancy), sexual orientation, disability, age, veteran status, genetic information or any other legally protected classification (“Protected Categories”). Such conduct by or toward any member of the College community will not be tolerated.

The College will conduct a prompt, fair, and impartial investigation of complaints of Discrimination, Harassment, and/or Retaliation. If an individual is found to have violated this policy, the College will take appropriate action to prevent recurrence of the Discrimination, Harassment, and/or Retaliation and take appropriate steps to remedy its effects. Individuals found responsible for engaging in such behavior are subject to the full range of the College’s disciplinary actions, up to and including separation from the College, in addition to any private legal action that may result from such acts.

The College prohibits Retaliation against any individual that files a Discrimination or Harassment complaint or participates in the investigation or resolution process.

## **2. PURPOSE**

This policy and its Procedures provide for the orderly resolution of complaints of Discrimination, Harassment, and/or Retaliation. The purpose of this policy is:

- To promote an education and work environment that is free from all forms of Harassment and Discrimination.
- To emphasize that Harassment or Discrimination in any form is unacceptable and of particular concern to an academic community.

## **3. SCOPE**

This policy applies to Discrimination, Harassment, and Retaliation in all the College’s employment and education programs or activities and applies to all participants in such employment and education programs and activities, including administrators, faculty, staff, students, volunteers, contractors, and guests. It applies to Discrimination, Harassment, and Retaliation that occurs on campus, during or at an official institution program or activity (regardless of location), and to off campus conduct when the conduct impairs, interferes with, or obstructs any College activity or the mission, processes, and functions of the College. This

policy also applies to any off-campus behavior that affects a substantial College interest. A substantial College interest includes:

- Any situation where an employee or student's conduct may present a danger or threat to the health or safety of others;
- Any situation that significantly impinges upon the rights, property, or achievement of others; or
- Any situation that is detrimental to the educational mission and/or interests of the College.

This policy shall not be construed or applied to restrict academic freedom, nor shall it be construed to restrict constitutionally protected expression.

#### 4. DEFINITIONS

**Complainant:** An individual making a complaint of Discrimination and/or Harassment.

**Discrimination:** Treating an individual differently because of membership (or perceived membership) in a Protected Category in matters of admissions, employment, services, or any other educational programs or activities of the College. Disparate treatment discrimination occurs when there has been an adverse impact on the individual's work or educational environment, individuals outside of the Protected Category have received more favorable treatment, and there is no legitimate, non-discriminatory reason for the action. Disparate impact discrimination occurs when a College policy, procedure, or rule adversely impacts persons in a Protected Category even though the policy, procedure, or rule is neutral on its face.

**Harassment:** Unwelcome verbal or physical behavior (including using technology) which is directed at a person because of membership (or perceived membership) in a Protected Category, when these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with the individual's educational or work experience or by creating an intimidating, hostile, or offensive learning or working environment. Quid pro quo harassment occurs where submission to or rejection of prohibited conduct is used, explicitly or implicitly, as the basis for decisions adversely affecting an individual's education, employment, or participation in a College program or activity. In determining whether a hostile environment exists, the College examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. Conduct that does not meet the definition of Harassment may still violate other policies or expectations for appropriate/professional conduct set by the College and, accordingly, may result in discipline as determined appropriate by the College.

Examples of conduct that can constitute Harassment if based on an individual's membership (or perceived membership) in a Protected Category include but are not limited to:

- Unwelcome comments or jokes (e.g., racial, or ethnic jokes).
- Disparaging remarks (e.g., negative, or offensive remarks or jokes about a person's religion or religious garments).
- Displaying negative or offensive posters or pictures.
- Communications, including those conveyed in person, mail, electronically, such as by e-mail, telephone or voicemail, text messaging, or social media or other internet use.

**Respondent:** An individual who is alleged to have violated this policy.

**Retaliation:** Taking materially adverse action against a person because the person made a good faith report of Discrimination or Harassment or participated in the investigation or adjudication of a report of Discrimination or Harassment. Examples of conduct that could constitute Retaliation include, but are not limited to:

- An adverse action relating to participation in an educational program.
- Unreasonably interfering with the academic or professional career of another individual.
- Engaging in conduct which constitutes stalking, harassment, or assault.
- Acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under this Policy.
- Engaging in efforts to have others engage in retaliatory behavior on one's behalf.
- Engaging in efforts that affect or discourage a person from filing a report or complaint of discrimination or harassment or participating in an investigation or other proceedings under this Policy, or reporting to or participating in procedures with any other local, state, or federal complaint process, such as filing a complaint with the Equal Education Opportunity Officer, Pennsylvania Department of Education.

The College will not charge an individual under a separate policy or Code of Conduct for conduct arising out of the same facts or circumstances reported as discrimination or harassment for purposes of interfering with non-discrimination protections.

## **5. Reporting Discrimination and Harassment**

Students and employees who believe that they have been subjected to Harassment or Discrimination should contact one of the following:

- Office of Inclusion and Compliance (717) 391-1365
- Office of Employee Engagement (717) 391-6935
- Office of Vice President of Student Services (717) 299-7794

Reports under this policy should be brought as soon as possible after the alleged conduct occurs. Prompt reporting will enable the College to investigate the facts, determine the issues, and provide an appropriate remedy or personnel action.

### **5.1 Confidential Employees**

Professional licensed counselors, health services professionals, and pastoral counselors who provide health, and counseling services to members of the College community are ***not permitted*** to report any information without the victim's permission.

### **5.2 Timing**

There is no time limit for reporting Discrimination or Harassment to the College under this Policy; however, the College's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the College.

### **5.3 External Reporting Options**

Reports of discrimination and harassment may be filed outside the College with the Equal Education Opportunity Officer (717) 787-1953, Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17126-0333. Reports may also be filed with the U.S. Department of Education, Office for Civil Rights: <https://ocrcas.ed.gov/contact-ocr>, (800) 421-3481.

## **6. College Responsibilities**

Upon receiving notice of potential Discrimination, Harassment, or Retaliation the College will respond as follows:

1. In situations that require urgent attention, because of safety or other concerns, the College will take immediate administrative actions pending the outcome of the investigation.
2. In situations that do not require urgent attention, the appropriate responder, Campus Inclusion and Compliance Officer, Director of Employee Engagement or Vice President of Student Services will respond.
3. The College will follow the Procedures set forth in this Policy before the imposition of any disciplinary sanctions or other actions against a Respondent.
4. The College will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when responding to alleged Discrimination, Harassment, or Retaliation.
5. The College will investigate Discrimination, Harassment, or Retaliation allegations in a Complaint filed pursuant to this Policy.

The College will respect a Complainant's wishes with respect to whether it investigates the reported incident wherever possible unless it is determined by the College official that signing a Complaint to initiate an investigation over the wishes of the Complainant is not clearly unreasonable, considering the known circumstances. The College reserves the right to investigate any issues regarding potential violations of College policy or applicable law.

At the time of filing a Complaint, a Complainant must be an employee, a student or attempting to participate in an education program or activity of the College to implicate the College's nondiscrimination complaint and investigation process.

## **7. COMPLAINT AND INVESTIGATION PROCESS**

## 7.1 Reporting Discrimination or Harassment

Reports of Discrimination or Harassment may be made by anyone, including anonymously, to the appropriate College officials (Vice President of Student Services; Director of Employee Engagement, Campus Inclusion and Compliance Officer). If that occurs, the College official will promptly review the allegations to determine if they may constitute Discrimination or Harassment in violation of this Policy that may warrant the filing of a complaint.

## 7.2 Complaint Filing Procedures and Contact Information

A formal complaint may be filed with the College in person, **by online portal (homepage)**, mail, or by electronic mail, by using the contact information listed in this Policy for the Campus Inclusion and Compliance Officer, Vice President of Student Services and the Director of Employee Engagement. The College reserves the right to redirect complaints to what it deems to be the appropriate office or department under the circumstances.

## 7.3 Response to Complaint

Upon receiving a Complaint, the College will complete a prompt, fair, and impartial investigation of the allegations. The College's complaint and investigation process is intended to be an equitable process. **Respondents are presumed not responsible** for the alleged conduct and no determination regarding responsibility will be made until the conclusion of the process. The investigation will be handled by an investigator(s) appointed by the College.

## 7.4 Notice of Allegations

The Respondent and Complainant will be promptly provided with a **"Notice of Allegations."** At a minimum, such notice shall include the allegations of conduct potentially constituting Discrimination or Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Such details include the identities of the parties involved in the incident, the conduct allegedly constituting discrimination or harassment, and the date and location of the alleged incident, if known. The notice will include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the investigation process. The notice will also inform the parties that they may each have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.

The notice will also inform the parties that knowingly making false statements to College officials during the investigation may be referred for review and result in disciplinary action under the Student Code of Conduct or Employee policies as appropriate.

The Notice of Allegations shall be provided as soon as reasonably practicable, but no more than seven (7) College Days after the receipt of a Complaint.

## 7.5 Investigation

An investigation shall be promptly conducted by the College, or as soon as reasonably possible, through one or more investigators who will not have a conflict of interest in the matter. The College may utilize an independent investigator when deemed appropriate and has complete discretion to do so. When investigating a Complaint (and throughout the entire investigation process), the College will:

1. Gather testimonial and nontestimonial evidence related to the allegations contained in the complaint, ensuring that the burden of gathering evidence is on the College and not on the parties.
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other evidence. The investigator will use their professional judgment to assess the relevance of the information submitted.
3. Share a transcript or summary of each investigation interview with the relevant party or witness to review and confirm its accuracy and completeness.
4. Share evidence submitted by one party with the other party as the investigator deems appropriate.
5. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate.
7. Permit both parties to be accompanied by an advisor of their choice to all investigation interviews and other meetings under these Procedures. The advisor may not serve as a witness during the investigation and may not speak on behalf of a party during any investigation meetings.
8. Provide each party with the opportunity to submit relevant questions to be posed by the investigator to the other party or witnesses.
9. Invite each party to submit supplemental written statements and evidence at least seven (7) calendar days before completing an investigation report.
10. Issue an investigation report that includes a statement of, and rationale for, each allegation that constitutes a separate potential violation of this policy, including a determination regarding responsibility for each separate potential incident. The written decision shall articulate findings of fact, made under a preponderance of the evidence standard, that support the determination. The written decision shall also include notice of the procedures to file an appeal.

The investigation shall be completed in no more than sixty (60) College Days, but may be extended in intervals of fourteen (14) College Days, with written notice explaining the reason for the extension.

## 8. INFORMAL RESOLUTION

An informal resolution process may be used when both the Complainant and Respondent voluntarily agree to participate. If the parties elect to proceed with the informal resolution process, this process would be in lieu of the formal investigation process. No one can be forced to go through the informal resolution process.

If an informal resolution option is offered by the College, both parties, prior to deciding on whether to participate in the informal resolution process, will be provided with written notice describing the process and implications of participating. The notice will describe the allegations against the Respondent. It will also describe the informal resolution process, including the right of either party at any time prior to the voluntary agreement to a resolution to withdraw from the informal resolution process and require the matter to resume under the Complaint and Investigation Process.

If in a particular case expulsion is a proposed sanction, it, like all other potential outcomes, can only occur if both parties agree to it as part of resolution.

Any mediators or other individuals offered by the College to facilitate informal resolution will be trained, including with respect to, among other things, the definition of discrimination and harassment, how to conduct the process, and how to avoid conflicts of interest and bias in discharging their duties.

An informal resolution process shall be completed within sixty (60) College Days of the agreement of all parties to use the informal resolution process unless an extension of time is agreed to by all parties. If either party withdraws from the informal process, or no mutually agreeable resolution can be reached during the timeframe for the informal resolution process, the formal investigation process shall resume. The timeframes applicable to the formal investigation process shall be put on hold during any informal resolution process and shall restart if the informal resolution process is terminated without an agreed upon resolution.

## 9. DISMISSAL OF A COMPLAINT

If conduct alleged in the complaint would not constitute Discrimination or Harassment, even if proven, or falls outside the scope of this Policy, the College will dismiss the complaint under this Policy and refer the complaint to the appropriate College official (*i.e.*, the Offices of the Vice President of Students, Director of Employee Engagement or Campus Inclusion and Compliance Officer as appropriate) to be reviewed under the Student Code of Conduct or Human Resources policies.

In addition, the College **may dismiss** a Complaint or any allegations therein, if at any time during the investigation a Complainant notifies the investigator in writing that the Complainant would like to withdraw the Complaint or any allegations therein; the Respondent is no longer enrolled at or employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein.

An **appeal** may be made by either party from a dismissal of a Complaint or any allegations therein within the timeframe and on any of the three grounds specified in the Appeals section of this Policy.

## 10. DETERMINATION OF RESPONSIBILITY

Following the investigation, the investigator shall issue a **written determination** of responsibility or non-responsibility. The written determination shall be issued as soon as reasonably practicable at the conclusion of the investigation, but not later than ten (10) College Days after the close of the investigation.

The written determination will include at minimum the following items:

1. An identification of the allegations potentially constituting discrimination or harassment;
2. A description of the procedural steps taken from the receipt of the Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the appropriate College policy to the facts in the event that the College exercises its discretion to apply any College policies and procedures not otherwise required under discrimination or harassment;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and
6. The applicable procedures and permissible bases for the Complainant and Respondent to appeal (as described below).

## 11. APPEAL

Either the Complainant or the Respondent may appeal from a (1) determination of responsibility/non-responsibility or (2) dismissal of a Complaint or any allegations therein, by filing a **Notice of Intent to Appeal** on the following three grounds, and no other grounds:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
3. The investigator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Any **Notice of Intent to Appeal** must be filed by either party within **two (2) College Days** of the issuance of a determination regarding responsibility/non-responsibility or the dismissal of a complaint.



The Notice of Intent to Appeal must be followed **within three (3) additional College Days** by the filing of a detailed written **Statement of Appeal** identifying grounds for appeal and explain with specificity the facts supporting the basis of the appeal. Failure to timely file either the Notice of Intent to Appeal or the Statement of Appeal will result in the appeal being dismissed.

The College will provide a copy of any Notice of Intent to Appeal and of the appealing party's Statement of Appeal to the non-appealing party. **The non-appealing party will have five (5) College Days** from the date the appeal documents are sent to the party's College email, if desired, to submit a written "**Response to Statement of Appeal.**" If such Response to Statement of Appeal is filed, a copy will be provided by the College to the appealing party, but the appealing party shall not have the right to submit an additional statement.

Notices of Intent to Appeal, Statements of Appeal, and Responses to Statements of Appeal must be submitted in writing to:

**Dr. Pedro Rivera, President**  
**Office of the President**  
**Mellor Building**  
**Thaddeus Stevens College of Technology**  
**750 East King Street**  
**Lancaster, PA 17602**  
**riverap@stevenscollege.edu**

The President or President's designee will review the appeal, including all party submissions, and issue a written decision to all parties involved within thirty (30) College Days, or as soon as is reasonably possible, but not later than forty-five (45) days after receipt of the written Notice of Intent to Appeal. This is the final step in the College's Formal Complaint procedure.

## **12. DISCIPLINARY ACTIONS**

Employees and students who violate this Policy are subject to appropriate discipline by the College. If an investigation results in a finding of responsibility that this Policy has been violated, the mandatory minimum discipline is a written reprimand.

Upon the finding of a serious violation of this Policy, the College reserves the right to take disciplinary measures, up to and including, termination of employment, expulsion or suspension, removal from campus, cancellation of contract, and any other appropriate actions necessary to address the violation.

Appropriate disciplinary actions shall be taken against any person found to have participated in any acts of retaliation. Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint regarding a violation of this Policy will be treated as a separate and distinct violation of the Policy. Specifically:

1. A student found to have retaliated in violation of this Policy shall be subject to discipline up to, and including, suspension and/or expulsion.

2. A College employee found to have retaliated in violation of this Policy shall be subject to discipline up to, and including, termination of employment.
3. A College non-employee found to have retaliated in violation of this Policy shall be subject to measures up to, and including, exclusion from a College relationship and College grounds.
4. Persons who violate this Policy may also be subject to civil damages or criminal penalties.

### **13. SUPPORTIVE MEASURES**

Supportive measures by the College may include, but may not be limited to:

1. Providing escorts to ensure that individuals can safely move between classes and activities;
2. Where possible and as appropriate, assure that the Respondent and Complainant do not attend the same classes;
3. Moving the Complainant and/or Respondent to a different residence hall;
4. Providing counseling services for the Respondent and Complainant;
5. Providing academic support services, such as tutoring to the Respondent and Complainant.
6. The College may also provide remedies for the broad College community, including additional training and education.

### **14. FREE EXPRESSION AND ACADEMIC FREEDOM**

The College is committed to protecting, maintaining, and encouraging both freedom of inquiry, teaching, service, and research. However, raising issues of academic freedom and freedom of expression will not automatically excuse behavior that constitutes a violation of this policy or the law. The College will balance the enforcement of this policy with freedom of speech and academic freedom.

### **15. CONFIDENTIALITY**

The College will attempt to keep confidential the identity of complainants, respondents, and witnesses, except as may be required by law, permitted under FERPA, or deemed necessary to conduct the non-discrimination process.

## **EDUCATION AND PREVENTION**

Education is an essential component in the prevention and elimination of discrimination and harassment. To accomplish an adequate non-discrimination and harassment educational program, the College shall:

1. Educate members of the College community on what constitutes prohibited conduct under this Policy.
2. Inform members of the College community of this Policy and training programs to assure their implementation.

### **A. Training**

The Campus Inclusion and Compliance Officer shall oversee and coordinate training regarding discrimination and harassment prevention education.

## B. Dissemination of the Policy

A copy of this Policy shall be distributed throughout the campus and shall be published on the College's website.

## C. Public Notification of Clery Act Statistics

To the extent required by law, including the Clery Act, the College shall collect and annually report statistical information concerning discrimination and harassment reports (Hate Crimes) occurring within its jurisdiction. To promote public safety, the College will alert the campus community of incidents and developments of immediate concern.

## D. Resources

**Information on Counseling and Victim Services:** For further information on the counseling services available to student victims of discrimination and harassment, contact:

**Counseling Services: 717-299-7408**

**Health Services: 717-299-7769**

**Employee Assistance Program: 1-800-692-7459**

## E. Recordkeeping

The College shall maintain for a period of seven (7) years records of:

1. Each discrimination and harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on respondents, and any remedies provided to the complainants designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result of the appeal;
3. Any informal resolution and the results;
4. Any actions, including supportive measures, taken in response to a report or formal complaint of discrimination or harassment, and documentation of the basis for the College's conclusions and measures taken.

## Questions/Contact

If you have questions or are concerned that the College has not met its obligation under this Policy, please contact the Campus Inclusion and Compliance Office.

## References

[Policy Statement](#)

TSCT Student/Employee Discrimination and Harassment Reporting Form (See Attached)

<i>Audience</i>	<i>All College</i>
<i>Effective Date</i>	<i>05/29/2024</i>
<i>Date Revised</i>	<i>05/29/2024, 05/01/2025, 7/12/2025,8/13/2025</i>
<i>Date Reviewed</i>	<i>05/29/2024, 05/01/2025, 7/12/2025</i>
<i>Owner</i>	<i>Campus Inclusion and Compliance Officer</i>

**Thaddeus Stevens College of Technology Student/Employee  
Discrimination and Harassment Reporting Form:**

Name: \_\_\_\_\_

Local Address: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Local Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ AM /PM

Location of Incident: \_\_\_\_\_  
\_\_\_\_\_

Identify the name(s) of the individual(s) against whom you are submitting this complaint:  
\_\_\_\_\_  
\_\_\_\_\_

Please describe the nature of the incident, providing as much detail as possible to assist with the investigation of this complaint.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide the names and contact information of any witness(es).

Name/Status	Address	Telephone #
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Acknowledgement: By signing this form, I understand that this complaint will be investigated, and the alleged harasser(s), any witnesses, and persons of interest will be interviewed. The information provided in this Discrimination and Harassment Reporting Form is true and accurate to the best of my knowledge.

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date