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 11) 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 lII-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.

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 economic backgrounds. 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.

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

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.

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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 relationships that may occur between a graduate student and an undergraduate when the graduate student has some supervisory academic responsi-
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

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**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 conduct, 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
Guidelines on Open Expression (Excerpts)

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 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 conflict 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 the 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.
4. The right of individuals and groups peaceably to assemble and to demonstrate shall not be infringed.

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.

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

1. The policies and procedures for assigning University facilities shall 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 priority commitment of the facility or the type, the president or his delegate should consult with the Committee on Open Expression to obtain the advice and recommendations of that body.