

# EQUAL OPPORTUNITY AND ADA INFORMATION

## Nondiscrimination/Affirmative Action/Equal Opportunity Policy

### Purpose and Scope

#### **Affirmative Action**

West Chester University is committed to providing leadership in extending equal opportunities to all individuals. Accordingly, the University will make every effort to provide these rights to all persons regardless of race, religion, sex, national origin, ancestry, age, sexual orientation, gender identity, disability, and veteran status. This policy applies to all members of the University community including students, faculty, staff and administrators. It also applies to all applicants for admission or employment and all participants in University-sponsored activities.

#### **Equal Opportunity**

To achieve our educational mission, West Chester University is committed to creating pluralistic learning communities. As an equal opportunity employer, we comply with federal and state laws and regulations, while demonstrating our commitment to equal opportunity for all persons and not discriminating on the basis of race, color, sex, pregnancy, gender identity or expression, sexual orientation, age, national origin, disability, religion, veteran status, genetic information or legally protected statuses in all aspects of employment.

#### **Policy Statement**

It is a violation of policy for any member of the University community to discriminate any other member of the University community on the basis of race, color, sex, pregnancy, gender identity or expression, sexual orientation, age, national origin, disability, religion, veteran status, genetic information or legally protected statuses, or to take retaliatory action against an individual for reporting discriminatory conduct.

All management and supervisory personnel are directed to adhere to our policy of Affirmative Action and to take positive steps to ensure equal opportunities. Specifically, this means that management and supervisory personnel guard against unlawful discrimination in any personnel action, including but not limited to recruitment, appointment, promotion, training, separation, or terms of employment. Furthermore, management and supervisory personnel must take affirmative action to improve our utilization of those persons underrepresented.

#### **Policy Framework**

All managers and supervisors have responsibility for actively initiating this policy, which will include input into the development, implementation, and monitoring of the University's Affirmative Action Plan and Diversity/Equity Plans. In accordance with Executive Order 1979-15, "Performance evaluations for all supervisory and management employees shall include a rating of affirmative action, based on objective criteria regarding their implementation of the Affirmative Action Program."

Each individual at West Chester University is expected to help make affirmative action-equal opportunity a reality for all persons.

West Chester University will take all necessary steps to:

1. Recruit, hire, utilize, train and promote for all job classifications without regard to race, religion, sex, national origin, ancestry, age, sexual orientation, gender identity, disability, veteran status, or other protected class status.
2. Recruit and admit students without regard to race, religion, sex, national origin, ancestry, age, sexual orientation, gender identity, disability, veteran status, or other protected class status.

3. Base decisions on selection, employment practices, employee utilization, job training, career mobility, promotion, program operations and services provided so as to further the principles of equal opportunity and affirmative action.

4. Create and maintain a climate free from discrimination and harassment of any individual.

5. Create and maintain a climate free from sexual harassment of any individual.

6. Make every effort to increase the admission and employment opportunities for qualified persons with disabilities.

7. Assure that reasonable accommodation will be made for all the physical and mental limitations of qualified individuals.

8. Assure that in offering employment or promotion to persons with disabilities, no reduction in compensation would result because of disability, income or other benefits.

All members of the West Chester University community must work collectively to prevent discrimination or harassment by proactively engaging in training and educational opportunities to stay informed of University policies and protocols, as well as implementing initiatives to eliminate inequities and resolve issues that may occur.

This policy is not intended to interfere with the protections afforded by law to freedom of speech. Additional information, including additional examples of what constitutes discrimination, is available from the Office for Equal Opportunity and Compliance.

#### **Procedures**

Overall responsibility for the implementation of the affirmative action-equal opportunity policy has been assigned to the Office for Equal Opportunity and Compliance. Any individual having suggestions, problems, complaints, or grievances with regard to equal opportunity or affirmative action is encouraged to contact the office at 114 W. Rosedale Avenue or by phone at 610-436-2433. All procedures may be performed virtually.

In the event that a member of the West Chester University Community feels that he or she has been the subject of discrimination on the basis of race, religion, sex, national origin, ancestry, age, sexual orientation, gender identity, disability, or veteran status which is a violation of the University's Affirmative Action - Equal Opportunity Policy Statement, the matter should be brought to the attention of the Office for Equal Opportunity and Compliance.

This policy is in compliance with federal and state laws, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendment of 1972, Section 504 of the Rehabilitation Act of 1973, Americans With Disabilities Act of 1972, Americans With Disabilities Act of 1990, and Executive Order of the Governor of Pennsylvania.

Any individual having suggestions, complaints, or grievances with regard to equal opportunity or affirmative action, or to request a translation of this publication into a language other than English, should be directed to Lynn Klingensmith, Director for Equity and Compliance/Title IX and ADA Coordinator, 114 W. Rosedale Avenue, West Chester, PA 19383; phone 610-426-2433 or e-mail at [lklingensmith@wcupa.edu](mailto:lklingensmith@wcupa.edu).

To view the policy in PDF format, please visit the University Policy Page at <https://www.wcupa.edu/policies/>.

## **Sexual Harassment and Misconduct Policy**

### **Purpose and Scope**

Title IX of the Education Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment

and sexual violence that interfere with a person's ability to equally access educational programs and opportunities.

The University prohibits all Sexual Misconduct Violations, as defined in the Sexual Misconduct Policy. This prohibited conduct can affect all genders, gender identities and sexual orientations. Some of these prohibited forms of conduct may also be crimes under Pennsylvania or federal law. The University will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and redress its effects on any individual or the community.

West Chester University is committed to equality of opportunity and freedom from unlawful discrimination for all its students and employees. Sexual harassment/misconduct is a form of unlawful discrimination based on sex and will not be tolerated in any form by faculty, staff, students, contractors, or vendors. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other harassing conduct of a sexual nature.

#### Policy Statement

It is a violation of policy for any member of the University community to engage in sexual harassment/misconduct, or to take retaliatory action against an individual for reporting sexual harassment/misconduct. Consequences of sexual harassment/misconduct may include termination of the relationship with the University. Retaliatory actions against persons filing a complaint of sexual harassment/misconduct, or any person cooperating in the investigation of a complaint, are also prohibited. Acts of retaliation shall constitute misconduct subject to disciplinary action and should be reported to the Title IX Coordinator/Director for Equity and Compliance.

All members of the University community are responsible for ensuring that their conduct does not sexually harass any other member of the University community.

#### Policy Framework

Any individual having information about a member of the University community engaging in a specific act or a pattern of behavior which falls within the above definition of sexual harassment/misconduct should report the matter to the WCU Title IX Coordinator/Director for Equity and Compliance.

### **Reporting Requirements**

University employees, except those identified in the **SEXUAL MISCONDUCT POLICY** as employees who serve in a role that makes such reports privileged or are recognized as providing a confidential resource, are required to provide the name of the recipient of any sexually harassing behavior to the Title IX Coordinator/Director for Equity and Compliance.

Supervisors of faculty and staff have the further responsibility of preventing and eliminating sexual harassment/misconduct within the areas of their authority.

If supervisors have information about alleged acts of sexual harassment/misconduct by someone whom they supervise, they must take immediate steps to ensure the matter is addressed and brought to the attention of the Title IX Coordinator/Director for Equity and Compliance. Failure by supervisors to report the alleged acts of sexual harassment/misconduct may result in disciplinary proceedings. Faculty members and staff employees are required to inform the Title IX Coordinator/Director for Equity and Compliance whenever they become aware of behavior they believe to be sexual harassment/misconduct.

#### Procedures

Overall responsibility for the implementation of the sexual harassment and sexual misconduct policy has been assigned to the Office for Equal Opportunity and Compliance. Any individual having suggestions, problems, complaints, or grievances with regard to sexual misconduct

is encouraged to contact the office at 114 W. Rosedale Avenue or by phone at 610-436-2433.

All incidents of sexual harassment/misconduct must be reported to the Lynn Klingensmith, Director for Equity and Compliance/Title IX Coordinator, 114 W. Rosedale Avenue; phone 610-436-2433 or lklingensmith@wcupa.edu, or via [https://www.wcupa.edu/\\_admin/equal-opportunity-compliance/sexualMisconduct/default.aspx](https://www.wcupa.edu/_admin/equal-opportunity-compliance/sexualMisconduct/default.aspx).

This policy and the procedures referenced herein are in addition to, and not a replacement for, criminal remedies that may be available. Anyone interested in pursuing a criminal complaint should contact the Office of Public Safety at 610-436-3311 or dial 911 in the case of an emergency. If the incident occurred off campus, the WCU Public Safety Office can assist an individual with filing the complaint in the appropriate jurisdiction.

This policy is not intended to interfere with the protections afforded by law to freedom of speech. Additional information, including examples of what constitutes sexual harassment, is available from the Office for Equal Opportunity and Compliance ([https://www.wcupa.edu/\\_admin/equal-opportunity-compliance/affirmativeAction.aspx](https://www.wcupa.edu/_admin/equal-opportunity-compliance/affirmativeAction.aspx)). Individuals who believe themselves to have been affected by sexual harassment/misconduct, or who have questions about the University's policy on this matter, should contact Lynn Klingensmith.

Complaints may also be filed with the U.S. Department of Education, Office of Civil Rights at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html> or by phone at 215-656-8541.

To view the policy in PDF format, please visit the University Policy Page at <https://www.wcupa.edu/policies/>.

### **ADA Policy**

#### Purpose and Scope

West Chester University is committed to equality of opportunity and freedom from discrimination for all students, employees, applicants for admission or employment, and all participants in public University sponsored activities.

#### Policy Statement

In keeping with this commitment, and in accordance with the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, the University will make every effort to provide equality of opportunity and freedom from discrimination for all members of the University community and visitors to the University, regardless of any disability an individual may have. Accordingly, the University has taken positive steps to make University facilities accessible to individuals with disabilities and has established procedures to provide reasonable accommodations to allow individuals with disabilities to participate in University programs.

#### Policy Framework

The Director for Equity and Compliance in the Office for Equal Opportunity and Compliance has been designated as the ADA coordinator for the University. In this capacity, the Coordinator works with the University ADA Committee to advance University policies and procedures that will provide equal educational and employment opportunities for individuals with disabilities. The University has an established process to investigate and address any complaints of discrimination on the basis of a disability. Any individual who has a suggestion, question, or complaint regarding ADA issues is encouraged to contact the Director for Equity and Compliance, 114 W. Rosedale Avenue, 610-436-2433.

#### Procedures

##### **Students**

West Chester University has established the Office of Educational Accessibility (OEA), which operates as a center for addressing the needs of students with disabilities and as a resource for students,

faculty, and staff. A student who seeking an accommodation and/or requesting specialized services should contact the Director of the OEA. The office also serves as the point of contact for requesting sign language interpreters. Students must register with the OEA and provide appropriate medical documentation before an accommodation can be provided.

Various housing facilities and services are available for resident students with disabilities. For this and other information about on-campus housing and food service, please contact the Office of Residence Life and Housing Services, 202 Lawrence Center, 610-436-3307.

Facilities Management is involved in the ongoing process of renovating campus buildings to ensure accessibility for all individuals. Many of the buildings are currently accessible, but some are awaiting renovation.

Furniture requests for students with disabilities are also handled through facilities at [www.wcupa.edu/\\_INFORMATION/AFA/Facilities/Moving/ADAFurnitureRequest](http://www.wcupa.edu/_INFORMATION/AFA/Facilities/Moving/ADAFurnitureRequest) ([http://www.wcupa.edu/\\_INFORMATION/AFA/Facilities/Moving/ADAFurnitureRequest/](http://www.wcupa.edu/_INFORMATION/AFA/Facilities/Moving/ADAFurnitureRequest/))

WCU provides an on-demand transportation service for students with disabilities that is consistent with transportation provided to the student body. To make arrangements for accessible transportation, a student should visit [https://www.wcupa.edu/\\_information/AFA/Facilities/shuttle/accessibleTransport.aspx](https://www.wcupa.edu/_information/AFA/Facilities/shuttle/accessibleTransport.aspx).

## Employees

The Office of Human Resources Services is the designated department that obtains and files disability-related and medical documentation, certifies eligibility for services, determines reasonable accommodations, and develops plans for provision of such accommodations for employees. The Office of Human Resources is located at 201 Carter Drive, 610-436-2800. The Employee Accommodation Request Form, with medical documentation, must be completed before an accommodation can be provided and can be found at <https://www.wcupa.edu/hr/forms/accommodationRequest/login.aspx>

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The provisions of this catalog are not to be regarded as an irrevocable contract between the student and the University. West Chester University reserves the right to change any provisions or requirements at any time. Please check the University's website, [www.wcupa.edu](http://www.wcupa.edu) (<http://www.wcupa.edu/>), for any updates.