



Drexel University

TITLE: POLICY ON PROHIBITED DISCRIMINATION, HARASSMENT, AND RETALIATION

POLICY NUMBER: CR – 1

EFFECTIVE DATE: July 1, 2002

REVISION DATE: February 3, 2025

SUPERSEDES: EIC – 1 Discrimination, Harassment, Bias Incident Prevention

RESPONSIBLE EXECUTIVE: Executive Vice President, Treasurer, and Chief Operating Officer

I. PURPOSE AND APPLICATION

Drexel’s Policy on Prohibited Discrimination, Harassment, and Retaliation (the Policy or Civil Rights, CR-1) incorporates a University-wide, centralized approach to preventing and responding to discrimination and harassment on the basis of protected categories, retaliation, and related conduct. The Policy provides resources, supportive measures, and care to all Drexel community members, including students, faculty, and professional staff, who make a report under the Policy, as well as fair and equitable Resolution processes in response to a formal complaint under the Policy.

Drexel prohibits discrimination and harassment on the basis of race, color, religion, creed, national origin (including shared ancestry and ethnic characteristics), ethnicity, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, or any other classification protected by law (referred to as “protected category(ies)”) in the educational programs or activities Drexel operates. Drexel University seeks to foster an inclusive and healthy educational and employment environment built on mutual respect and trust. To further this mission, the University has adopted this Policy, which is intended to guide all Drexel community members.

This Policy will:

- Define ***Discrimination*** and ***Harassment*** that violate our community standards;
- Define ***Other Concerns*** that may cause harm to the community, but may not rise to the level of a Policy violation;
- Identify campus and community resources and supportive measures, resources, and options available for all members of the Drexel community;
- Provide information about how to make a report to the University, to law enforcement, or to other entities affiliated with the University;
- Outline University procedures for the review, investigation and resolution of complaints against University students, professional staff and faculty members.
- Provide centralized evaluation and response to reports of Prohibited Discrimination, Harassment, and Retaliation.

Where there has been a determination that this Policy was violated, the University will take prompt and effective steps reasonably calculated to end the conduct, prevent its recurrence, and address or remedy the effects on the Complainant and other impacted members of the University community, including actions to address any impacts on culture and climate.

When used in this Policy, “**Complainant**” refers to the person who reports to the University that they have been the subject of Discrimination and Harassment; “**Respondent**” refers to the person(s) who is (are) alleged by the Complainant to have committed acts of Discrimination, Harassment or Retaliation; and “**Third Party**” refers to any other participant in the process, including a witness to the misconduct or an individual who makes a report on behalf of another.

II. SCOPE OF POLICY

This Policy applies to all Drexel University and Salus at Drexel faculty members, students, professional staff, trustees, officers and other members of the **University Community**. Faculty members can be full- time, part-time, or volunteer and include all tenured, tenure-track, non-tenure track, teaching, research, clinical, and adjunct faculty. Professional staff is defined as individuals employed in any non-faculty category, including exempt or non-exempt employees and those covered under any Collective Bargaining Agreements. This Policy also applies to visitors, volunteers, non- employee associates and third parties doing business or providing services on campus, including vendors, independent contractors, and consultants. When used in this Policy, employee refers to all professional staff and faculty members.

All students and employees of the University are responsible for their actions and behavior as it relates to the University and each other, whether the conduct in question occurs on campus, in the surrounding community, or in another location. As such, this Policy applies to all prohibited conduct that affects Drexel’s educational environment and University Community wherever it occurs, including on campus, off campus, and online.

The University’s Assistant Vice President, Equal Opportunity and Title IX Coordinator (“EO Coordinator”) oversees the University’s Drexel Office of Civil Rights Compliance, which handles the University’s response to reports of Discrimination, Harassment and related Retaliation, as described below. Drexel may investigate or otherwise resolve any reported violations of this Policy that occur in the context of a University program or activity or that otherwise affect the University’s living, learning, or working environments, regardless of whether the reported conduct occurred on or off campus, online, or over social media. Reports of other University policies will be referred to the appropriate office.

For every report, the Drexel Office of Civil Rights Compliance will review the circumstance of the reported conduct to determine the following:

- Whether the University has jurisdiction over parties involved;
- Which University Policy is applicable to the parties and the conduct being reported;

- Whether conduct occurring off campus, online, or outside the University's education program or activities, potentially contributed to a hostile environment within the University's education program or activities; and,
- The actions within the University's control necessary to eliminate, prevent, and address the reported conduct.

III. IMPLEMENTATION

Implementation of this Policy is the responsibility of the Assistant Vice President, Equal Opportunity and Title IX Coordinator. For inquiries regarding this Policy, please contact them at civilrights@drexel.edu or 215-895-1405.

IV. STATEMENT OF POLICY

A. SUMMARY OF POLICY

Our University's founder, Anthony J. Drexel was committed to providing a welcoming, inclusive and respectful educational environment for all students, regardless of religion, race, gender or socioeconomic status. Such an environment helps strengthen our ability to live and work in a diverse and global environment. Drexel considers acts of discrimination and harassment to be unacceptable and counter to its core mission and values. At the same time, freedom of expression and the right to disagree are fundamental to the educational experience and culture of our University. Nothing in this Policy should be regarded as suppressing such intellectual freedom so long as any disagreements, arguments and/or debates are conducted in an atmosphere of tolerance and mutual respect.

Drexel University is committed to promoting tolerance in all forms, including tolerating the speech of those who disagree with the position of another individual, group or authority and expect such disagreement to be expressed in a manner that is respectful and tolerant. The University encourages any individual who believes they have been affected by Discrimination, Harassment, or Retaliation to immediately report the incident or incidents giving rise to such concerns to the Drexel Office of Civil Rights Compliance. Similarly, any individual can contact the EO Coordinator to seek assistance in responding to Other Concerns, which may or may not rise to the level of Discrimination or Harassment. **For emergencies, the University encourages all individuals to call 911 or the Drexel University Public Safety Department at (215) 895- 2222.**

The University will respond promptly and equitably to all reports of Discrimination and Harassment based on a Protected Category (as described above) and will take all appropriate steps to end the Discrimination or Harassment, prevent its recurrence and address its effects. The University provides supportive measures, options, and resources to students, faculty members, and professional staff to address concerns covered under this Policy.

The University will provide supportive measures to address individual safety and well-being, provide an adequate and reliable investigation, fair resolution processes, and take remedial and corrective action if and when it is determined that a violation of this Policy has occurred. At each of these stages, the University is committed to maintaining fairness

for all parties and to balancing the needs and interests of the individuals involved with the safety and well-being of the community.

Retaliation in any form will not be tolerated against an individual who makes a good-faith report with the University or participates in an investigation of any such report.

The University has adopted this Policy to meet its legal and regulatory requirements pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”), Title VI of the Civil Rights Act of 1964 (“Title VI”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and other relevant state and federal laws and local ordinances.

B. NOTICE OF NON-DISCRIMINATION

The University is committed to establishing and maintaining an environment free from all forms of Discrimination and Harassment for all University Community members. The University does not discriminate on the basis of race, color, ethnicity, national origin (including shared ancestry and ethnic characteristics), religion, gender, gender identity or expression, sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, disability, age, status as a veteran, and any other characteristic prohibited by law (*i.e.*, creed, marital status, citizenship status) in its educational, extracurricular, athletic, or other programs or in the context of employment. *See the [Sexual Harassment and Sexual Misconduct Policy](#)* for the University’s Policy and procedures regarding reporting, review, investigation, and resolution of all sexual and gender-based discrimination or harassment concerns against students, professional staff, and faculty members.

C. STATEMENT OF PRIVACY

The University is committed to protecting the privacy interests of all individuals involved in a report of Discrimination or Harassment. In any report, investigation, or resolution of an allegation made under this Policy, every effort will be made to protect the privacy interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation and the protection of any individual or the broader campus community. Information related to a report under this Policy will be shared only with those University employees who “need to know” in order to assist in the investigation and/or resolution of the complaint. At all times, the privacy of the parties will be respected and safeguarded. All University employees who are involved in the review, investigation or resolution of a report, including student employees and faculty members, have received specific training regarding the safeguarding of private information and will only share information with others on a need-to-know basis.

Students or employees wishing to obtain confidential assistance or access to campus resources without making a report to the University may do so by speaking with professionals who are obligated by law to maintain confidentiality. These professionals, who are identified in the Resources section of this Policy, include individuals in the Student Health Center, the Student Counseling Center, chaplains within Religious and Spiritual Life, and the Employee Assistance Program.

If a Complainant requests that their name or other identifiable information remain confidential, the University will at all times seek to respect the request of the

Complainant, and where it cannot do so, the University will communicate with the Complainant about the reasons why the request for confidentiality cannot be honored. In all cases where confidentiality is requested, the University will balance this request with its obligation to provide a safe and non-discriminatory environment for all University Community members. The University will weigh the request for confidentiality against the following factors: the seriousness of the alleged conduct, any potential threats to community safety, the respective ages and positions of the Complainant and the Respondent, whether there have been other harassment complaints against the Respondent, and the Respondent's right to receive information under applicable law. In all cases the University will take reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to investigate may be limited by the request for confidentiality.

When the University honors a Complainant's request for confidentiality after weighing all relevant factors, it will nevertheless continue to take appropriate steps to limit the effects of the alleged misconduct and to aid in the prevention of its recurrence.

All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Titles VI and VII of the Civil Rights Act, and Title IX of the Education Amendments Act of 1972, University Policy, and all applicable federal, state and local laws. No information shall be released from such proceedings except as required or permitted by law or University Policy.

D. EXPRESSION, SPEECH, AND ACADEMIC FREEDOM IN AN INCLUSIVE AND RESPECTFUL UNIVERSITY COMMUNITY

Working to maintain an inclusive learning and work environment does not, and must not, mean chilling or restricting free expression about the salient and controversial issues of our times. This balance requires taking thoughtful steps to create space for open and constructive dialogue, while also dealing swiftly with actions that create an unlawful hostile environment.

Embracing academic freedom means protecting the ability of our students, faculty members, professional staff, and community members to hold and express views that may be at odds with our institution's as well as each other's strongly held values. We must be able to see these moments as opportunities for enhanced reflection, dialogue, and understanding within our community.

The Association of American Colleges and Universities states, "To develop their own critical judgment, students also need the freedom to express their ideas publicly as well as repeated opportunities to explore a wide range of insights and perspectives. The diversity of the educational community is an important resource to this process; research shows that students are more likely to develop cognitive complexity when they frequently interact with people, views, and experiences that are different from their own."

(Association of American Colleges and Universities in *Academic Freedom and Educational Responsibility*, January 6, 2006,

[https://www.aacu.org/about/statements/academic-freedom.](https://www.aacu.org/about/statements/academic-freedom))

We add to our University's values of quality, integrity, inclusion, impact, integration, and innovation, when all members of our University Community are invested in an inclusive and respectful learning and working environment so that everyone is equally able to participate in a robust exchange of ideas. We support this by:

- Valuing the diversity of linguistic, cultural, racial, and ethnic backgrounds;
- Encouraging expression of all perspectives, including disagreement over ideas or beliefs, in a respectful and tolerant manner;
- Increasing the cultural competency of members of our University Community by providing educational and experiential opportunities to engage across cultures and faiths;
- Providing opportunities for professional development so that University educators can stay abreast of best effective practices and pedagogical techniques for increasing participatory culture in the classroom and addressing complex subjects thoughtfully;
- Communicating a clear message that Discrimination, Harassment, Retaliation, and Other Concerns as defined in this Policy will not be tolerated on our campus;
- Encouraging all members of our community who are directly impacted by Prohibited Conduct under this Policy – and requiring all employees – to report all incidents of Discrimination, Harassment, and Retaliation so that the University can address them before the situation escalates;
- Having an effective system in place for addressing reports of Discrimination, Harassment, and Retaliation when they do happen;
- Ensuring that this Policy is known and understood by all members of our community — including those from diverse linguistic backgrounds (the University provides interpreters, as needed.)

Drexel University is committed to promoting tolerance in all forms, including tolerating those who disagree with the position of another individual, group, or authority so long as such disagreement is expressed in a respectful and open-minded manner.

For the University's Academic Freedom Policy, please see http://www.drexel.edu/provost/policies/academic_freedom/

E. INFORMAL RESOLUTION OF CONCERNS BETWEEN STUDENTS AND FACULTY

Drexel encourages open communication, emotional intelligence, and social responsibility between students and faculty members when either has a concern about the nature of an exchange or engagement within an academic setting. The University also recognizes that there may be times when a student may, for valid reasons, not feel comfortable communicating their concerns directly with a faculty member. In those instances, the University encourages students to ask for assistance from other members of the University Community in communicating their concerns to the faculty member so that healthy, respectful relationships between faculty members and students can be fostered and preserved.

F. INFORMAL MEANS OF CONFLICT RESOLUTION

This Policy is intended to serve all members of our University Community. Members of our community are encouraged, but not required, to consider informal modes of conflict resolution, if appropriate, prior to invoking the Policy.

Many incidents can be resolved through thoughtful dialogue, and many incidents can be prevented by greater dedication to open communication and the exercise of emotional intelligence and social responsibility. Belonging to any community requires maintaining awareness of our own behavior and holding ourselves accountable for how it affects others. All members of our community are encouraged to ask questions to understand the perspective of another person rather than making assumptions. Everyone is urged to listen generously, to refrain from using a tone that is accusatory or defensive, and to avoid denying others' feelings or rejecting their lived experiences as invalid. Drexel's mission is to "advance knowledge and society," and the true hallmark of a curious mind is openness to growth and change, not dismissiveness or hostility to differing perspectives that are expressed respectfully.

The following are ways that members of our community can attempt to resolve an incident or concern informally:

1. Reach out to the individual whose behavior has offended or hurt you for a one-on-one meeting to discuss the situation and attempt to address the harm done through mutual understanding.
2. If you are uncomfortable reaching out to the individual directly, contact their supervisor and request assistance.
3. Or, reach out to Drexel Office of Civil Rights Compliance and request the assistance of a facilitator or mediator to attempt to reach a resolution.

Should these informal methods fail to resolve the matter satisfactorily, and the behavior complained of invokes this Policy, a formal complaint may be filed with Drexel Office of Civil Rights Compliance.

G. DEFINITIONS OF PROHIBITED CONDUCT AND EXAMPLES

The University prohibits Discrimination and Harassment.

Discrimination: Discrimination is adverse treatment of an individual based on one or more actual or perceived protected categories or characteristics listed in this Policy (such as race, color, ethnicity, national origin (including shared ancestry and ethnic characteristics), religion, gender, gender identity or expression, sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, disability, age, status as a veteran, or any other characteristics prohibited by law (*i.e.*, creed, marital status, citizenship status, etc.)). Discrimination is a violation of this Policy when it results in adverse action or negatively impacts the terms and conditions of an individual's employment or education or denies or limits participation in programs, services, or activities.

Examples

The following conduct would violate this Policy, depending on the specific facts and circumstances:

- Refusing to grant a student a letter of recommendation because the student wears a Star of David on a necklace around their neck.
- Not including a student in a lab group because of their race, national origin, or other protected characteristic.
- Giving a student a lower grade for the quarter for taking extra time on assignments that was granted through an ODR accommodation.
- Not allowing a student to join or participate in a student organization based upon their religious belief or because they wear symbols or styles of dress associated with their religion (e.g., wearing a hijab, burka, turban, or kippah).

Harassment: Harassment is unwelcome verbal, physical, written, audio or visual conduct, or conduct using technology/social media based on an actual or perceived protected categories or characteristics that when based on the totality of the circumstances is subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the education program or activity or has the purpose or effect of creating an academic or working environment that a reasonable person would consider to be intimidating, hostile, or offensive.

Even a single or isolated incident may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. In determining whether conduct is sufficiently severe or pervasive to meet the above standards, the Drexel Office of Civil Rights Compliance examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. A person's subjective belief that behavior is or is not intimidating, hostile, or offensive does not determine whether that behavior is prohibited harassment under this Policy. The behavior must create a hostile environment and/or substantially interfere with access to a University program or activity from an objective perspective. In some instances, the University may not be able to pursue a potential Policy violation because the reported statements or conduct are protected speech. In such instances, the University will evaluate all available information, including the totality of the circumstances, to determine whether the reported conduct may have impacted culture or climate more broadly, when considered in the aggregate with other reported information. If so, the University will take action reasonably calculated to remedy the campus climate and environment.

Examples

The following conduct would violate this Policy if it is determined that it is subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the education program or activity or has the purpose or effect of creating an academic or working environment that a reasonable person would consider to be intimidating, hostile, or offensive:

- Use of racist, anti-Semitic, or Anti-Muslim slurs.

- Defacing a person's property with a hateful symbol or vandalizing or stealing religious or cultural symbols.
- Verbal abuse or use of racist, anti-Arab, or Anti-Israel slurs or hostile behavior, which could include insulting, teasing, mocking, ridiculing, or degrading another person or group regardless of whether or not the person is a member of the group.
- Repeatedly referring to a Muslim student as a "terrorist," mocking the student's keffiyeh, and taunting the student as they walk through campus.
- Displays or electronic transmissions of demeaning or hostile materials related to one or more protected or perceived protected characteristics.
- Intentionally misgendering a person or using their deadname because you do not agree with their choice.

Sex-based Harassment: a specific form of sex discrimination that means harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. This includes forms of Sexual Harassment defined in the University's Sexual Misconduct and Harassment Policy.

Forms of Harassment: In some cases, harassment is obvious and may involve an overt action, a threat or reprisal. In other instances, harassment is subtle and indirect, with a coercive aspect that is unstated.

Harassment can take many forms:

- It can occur between equals (*e.g.*, student to student, professional staff to professional staff, faculty member to faculty member, visitor/contracted employee to professional staff) or between persons of differing power status (*e.g.* supervisor to subordinate, faculty member to student, coach to student-athlete).
- It can be committed by an individual or may be a result of the collective actions of an organization or group, such as a registered student organization.
- It can be committed against an individual, an organization or a group.

Examples of behavior that may create a hostile environment and will be considered as evidence of Discrimination or Harassment include, but are not limited to:

- Unwanted or inappropriate innuendo, or suggestive comments, humor and jokes, racial slurs or derogatory language directed at another person's race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, disability, age, status as a veteran, socioeconomic status and/or any characteristic prohibited by law (*i.e.*, creed, marital status, citizenship status); insults and threats based on a Protected Category and other verbal, written or electronic communications of a discriminatory nature that an individual communicates is unwanted and unwelcome; *See* the Sexual Harassment and Sexual Misconduct Policy for the University's Policy and procedures regarding reporting, review, investigation, and resolution of all Title IX related discrimination concerns against students, professional staff, and faculty members.

- Non-academic display or circulation of written materials or pictures degrading to an individual(s) or group's Protected Category. (Instructors should be aware that students come from a variety of backgrounds and perspectives and therefore should make a reasonable effort to provide appropriate warnings and accommodations regarding the use of explicit and/or triggering materials in their classes.)
- Making educational or employment decisions based upon stereotypes about individuals based upon race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, disability, age, status as a veteran, socioeconomic status and/or any characteristic prohibited by law (e.g., creed, marital status, citizenship status) (For example, no one should be assumed to be able or required to act as a representative for their culture or faith).
- Abusive, disruptive or harassing behavior (verbal or physical), which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on a Protected Category and/or in the context of a hate crime; and,
- Engaging in derogatory verbal and other expressive behavior of a racial, cultural or religious nature in instructional settings.

Retaliation: Retaliation is defined as any adverse action, intimidation, threat, coercion, or discrimination against an individual taken for the purpose of interfering with any right or privilege secured by this Policy or federal, state, or local laws or ordinances, and their implementing regulations, or because the individual has made a report or Formal Complaint of Prohibited Conduct, testified, assisted, or participated or refused to participate in any manner in any investigation or proceeding related to this Policy. **See Statement Against Retaliation on page 15 of this Policy.**

H. OTHER CONDUCT OF CONCERN

Some conduct may or may not rise to the level of Discrimination or Harassment but can nonetheless be disruptive to an individual's education or employment experience.

This conduct may include verbal or nonverbal conduct that communicates hostile, derogatory, or negative messages to target persons and is based on their actual or perceived membership in a category protected by this Policy but where the information does not support an investigation or formal resolution process under this Policy because it does not meet the elements of prohibited Harassment: severe and/or pervasive, and subjectively and objectively offensive. The Drexel Office of Civil Rights Compliance will evaluate the conduct to determine whether it is severe or pervasive, or otherwise meets the definition of Harassment, in evaluating the appropriate response. It will not be possible to pursue disciplinary action in all instances, but the University will still take available action to address the concern.

Other Conduct of Concern may be intentional or unintentional. Regardless of intention, expressions of this kind can have harmful impacts on individuals and the broader community. When this happens, the University seeks to offer support, resources, and interventions available through campus partners. The purpose is to bring the information forward for centralized analysis and evaluation. Other Conduct of Concern is often a one-time comment but is documented to provide the opportunity to analyze patterns and develop education for the community.

Examples

The following types of conduct are examples of potential Other Conduct of Concerns:

- During lunch together, a colleague makes fun of another colleague's name and asks where they are really from.
- A student reports to their advisor that one time a faculty member made a comment about the texture of their hair.
- A faculty member specifically called on a student in a hijab asking about Ramadan observance.
- Misgendering or mispronouncing is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual.

When Conduct of Concern is reported, The Drexel Office of Civil Rights Compliance will take the following steps to centrally review the concern:

1. Review the elements of the report and determine whether the incident is covered under Prohibited Conduct in this policy or Sexual Harassment and Sexual Misconduct Policy.
2. Make outreach to the impacted party or complainant to seek additional information or make them aware of their reporting options, including referrals for potential Policy or legal violations, when applicable.
3. In collaboration with University offices, offer resources and supportive measures to individuals or groups impacted by Other Conduct of Concern.

The purpose of reporting Other Conduct of Concern is to inform campus climate discussions and educational programming. In addition, this provides an opportunity to learn about supportive measures and resources available.

I. STATEMENT ON VIOLENCE AND SELF-DEFENSE

Drexel University promotes a physically safe and inclusive environment where violence in any form is not tolerated. Accordingly, responding to violence with violence is also a violation of this Policy, unless such violence is a direct response of self-defense.

V. ROLE OF THE EQUAL OPPORTUNITY COORDINATOR AND DREXEL OFFICE OF CIVIL RIGHTS COMPLIANCE

The EO Coordinator oversees the University's centralized review, investigation and resolution processes for reports of Discrimination, Harassment, and/or Retaliation based upon a Protected Category. The members of the Drexel Office of Civil Rights Compliance are knowledgeable and trained in the dynamics of Discrimination, and Harassment, including applicable local, state and federal laws, and in University policies and practices.

The duties and responsibilities of EO Coordinator include:

- Oversight of the University's response to complaints of Discrimination, Harassment, and Retaliation;
- Responsibility for overall compliance with anti-discrimination and equal opportunity laws and University policies;
- Assisting any individual in identifying the appropriate University Policy to resolve an incident or complaint of Discrimination, Harassment, or Retaliation in a prompt and equitable manner;
- Provide information and resources to all parties involved in a report under this Policy;
- Central source for all Discrimination, Harassment, or Other Conduct of Concern;
- On-going climate checks, tracking and monitoring of Discrimination, Harassment allegations and Conduct of Concern affecting our University Community; and,
- Coordination of all training, education and prevention efforts related to Discrimination and Harassment prevention.

A. CAMPUS RESOURCES AND SUPPORT

The University is committed to treating all individuals with dignity, care and respect. A Complainant, Respondent, or any other individual impacted by a report of Discrimination, Harassment or Retaliation will have equal access to support, resources and counseling services through the University. The University recognizes that any individual involved in an incident covered under this Policy may have questions and we encourage Drexel community members to seek the support of campus and community resources. The Drexel Office of Civil Rights Compliance can provide guidance in making decisions, obtaining information about available resources, and assisting any *Party* in the event that an official report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

All Drexel community members can expect:

- The opportunity to meet with a member of the Drexel Office of Civil Rights Compliance to answer questions regarding the University's complaint processes for Discrimination, Harassment and Retaliation;

- Notice of confidential and non-confidential but private resources, including medical treatment and mental health counseling services, both on campus and in the community;
- Notice of the option to pursue law enforcement action and to be assisted by the Drexel University Police Department in making a report, if the incident is one that involves a crime (*i.e.* ethnic intimidation or a hate crime);
- That the University takes appropriate steps to protect individual safety and well-being and to maintain a campus environment free from Discrimination, Harassment, and Retaliation;
- The right to be free from Retaliation; and
- The right to be free from malicious, false allegations.

Campus Resources: All Drexel community members have access to a variety of resources provided by the University. These resources can provide crisis intervention services, counseling, academic support, and medical services. All of the professional staff listed below are trained to support individuals affected by Discrimination, Harassment, or Retaliation and to coordinate with the University's Drexel Office of Civil Rights Compliance in order to provide a consistent University response and promote a safe and healthy educational and employment environment. While not bound by confidentiality, these non-confidential resources will maintain an individual's privacy within the limited circle of those involved in the University's Discrimination, Harassment, and Retaliation investigation and resolution.

1) CONFIDENTIAL STUDENT RESOURCES

The Counseling Center

Creese Student Center, Suite 201

<https://drexel.edu/counselingandhealth/counseling-center/>

(215) 895-1415

Students who have been subjected to Discrimination, Harassment and Retaliation and those who have been accused of Discrimination, Harassment and Retaliation may discuss their situations confidentially with counselors at the Counseling Center. An individual's conversations with University counselors will not be disclosed to anyone else in the University except in cases of a threat of imminent physical harm.

Drexel University Chaplains affiliated with Spiritual and Religious Life

James E. Marks Intercultural Center, 3225 Arch Street

<https://drexel.edu/studentlife/student-success/inclusive-communities/diversity-and-inclusion/spiritual-and-religious-life>

215-895-2501

Pastoral Counselors provide essential support to the students, faculty and professional staff of Drexel University in the expression, understanding and practice of faith; and cultivates mutual respect for the variety of faith traditions represented by the members of the Drexel University Community. Pastoral Counselors currently affiliated with the University include professional religious staff from Open Door Christian Community,

Baptist Campus Ministries, Hillel of Greater Philadelphia, and Newman Catholic Campus Ministry.

2) CONFIDENTIAL EMPLOYEE RESOURCES

Employee Assistance Program

Employees may also receive confidential counseling services through the Employee Assistance Program. The Employee Assistance Program is handled through SupportLinc. They provide guidance and counseling for faculty and professional staff. For questions or assistance, call SupportLinc directly at 1-888-881-5462 or visit the University's [Employee Assistance Program web page](#).

Drexel Medicine University City

Located at the University City Science Center at 34th & Market Street, adjacent to the Drexel Student Health Center, the medical practice is staffed by faculty physicians from Drexel University College of Medicine's Department of Family, Community & Preventive Medicine. For questions or to schedule an appointment, call 215-220-4720 or visit the website at <https://www.drexelmedicine.org/>.

3) NON-CONFIDENTIAL (PRIVATE) STUDENT RESOURCES

Student Center for Diversity and Inclusion

Gender and Sexuality Resource Space, Latinx Community Resource Space, Women's Resource Space, and Students in Recovery

Rush Building- Second Floor
30 N. 33rd Street
Philadelphia, PA 19104
Phone: 215.895.6629
Fax: 215.895.2500
Email: Inclusion@drexel.edu

Center for Black Culture

Rush Building- First Floor
30 N. 33rd Street
Philadelphia, PA 19104
Phone: 215.895.6629
Fax: 215.895.2500
Email: Inclusion@drexel.edu

International Students and Scholars Services

Main Building
3141 Chestnut St, Suite 222

Philadelphia, PA 19104

Phone: 215-895-2502

isss@drexel.edu

<https://drexel.edu/studentlife/student-success/international-student-support>

Student Cultural Organizations

http://drexel.edu/studentlife/diversity/inclusion_and_culture/Organizations/

4) NON-CONFIDENTIAL (PRIVATE) EMPLOYEE RESOURCES

a. Human Resources

University City Campus:

3201 Arch St, Suite 430, Philadelphia, PA 19104 | T: 215-895-2850 | F: 215-895-5813

Center City Campus:

1505 Race St, 1st Floor, Philadelphia, PA 19102 | T: 215-762-6880 | F: 215-762-1830

Academy of Natural Sciences of Drexel University:

1900 Benjamin Franklin Parkway, Philadelphia, PA 19103 | T: 215-299-1083

<http://drexel.edu/hr/>

b. Office of Faculty Affairs

3141 Chestnut Street

Philadelphia, PA 19104 <http://drexel.edu/facultyaffairs/>

215-895-2141

c. Colleague Resource Groups

<http://drexel.edu/diversity/groups/overview/Employees/CRG/>

B. REPORTING DISCRIMINATION, HARASSMENT, AND RETALIATION

1) Emergency/Immediate Reporting Options:

The University recognizes that in an emergency situation where a person's health or safety is at risk, trained police officers are in the best position to quickly and effectively respond. In these situations the University encourages all individuals to seek the assistance of the Drexel University Department of Public Safety, (215) 895-2222, or call 911. A report can be made 24 hours a day, 7 days a week.

2) Centralized University Reporting Options:

To enable the University to respond to all reports in a prompt and equitable manner, any individual who wishes to report an incident of Discrimination, Harassment, or Retaliation is encouraged to make a direct report to:

**Office for Institutional Equity and Inclusive
Culture, James E. Marks Intercultural Center,
3225 Arch Street | 215-895-1405 ad3974@drexel.edu**

The University recognizes, however, that an individual may choose to report Discrimination, Harassment, or Retaliation to *any* trusted employee of the University. For example, a student may choose to confide in a Resident Advisor, a faculty member, or a coach. Similarly, an employee may choose to confide in a supervisor.

The University encourages all individuals, whether as a Complainant or a Third Party, to report incidents of Discrimination, Harassment, and Retaliation impacting or involving a member of the Drexel community to the Drexel Office of Civil Rights Compliance.

3) Mandated Employees (Designated Employees):

All officers, deans, department heads, faculty members, academic advisors, directors and supervisors, as well as any professional staff, student employees or volunteers who are responsible for student welfare, must report immediately to the Drexel Office of Civil Rights Compliance any and all incidents they have reason to believe constitute discrimination and harassment under this Policy, regardless of whether or not the individual witnessed the incident themselves or learned of it through the Complainant or a Third Party. This reporting ensures that the University has a comprehensive process for centralized reporting, analysis, and appropriate response to Prohibited Discrimination, Harassment, and Retaliation. These individuals must make it clear to the Complainant that any allegation must be forwarded to the appropriate University officials and that no allegation can remain confidential once discussed with an officer, dean, department head, faculty member, academic advisor, director and/or supervisor, any professional staff, student employee or volunteer who is responsible for student welfare.

The Drexel Office of Civil Rights Compliance will treat all reports it receives with the utmost care and any information received by them in connection with a report or subsequent complaint investigation will be private and will only be used to implement this Policy and will only be shared with individuals who are responsible for implementation of process under this Policy.

4) Anonymous Reporting:

Any individual may make an anonymous report concerning an act of Discrimination, Harassment, and/or Retaliation. An individual may report the incident without disclosing their name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, the University's ability to respond to an anonymous report may be limited.

Mandated/Designated employees may not satisfy their reporting obligation by making an anonymous report.

Anonymous reports may be made by telephone to the Drexel University Ethics Point Hotline: 866-358-1010 (Drexel University) or online at www.drexel.ethicspoint.com. EthicsPoint is a service that allows anyone to report suspected misconduct or other issues. This service allows the person making the report and University administrators to confer about additional details, while the reporting Party's identity remains confidential. All reports will go to the Drexel Office of Civil Rights Compliance.

If the Respondent is a member of the Drexel Office of Civil Rights Compliance staff itself, the report will be handled by the Office of General Counsel and the complaint will be investigated by an *Investigator* external to the University.

5) Choosing Whether and Where to Report:

The University recognizes that an individual's decision whether or not to report Discrimination, Harassment, or Retaliation is personal, and that there is no one "right" way to respond. Not every individual will be prepared to make a report to the University or to law enforcement, and individuals are not expected or required to pursue a specific course of action. Moreover, an individual does not have to decide whether or not to request a specific course of action at the time the report is made. The University recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. At all times, the University will seek to respect an individual's autonomy in making these important decisions.

As outlined in the Statement on Privacy, the University respects the privacy interests of all individuals. All information reported will be shared only with those University employees who assist in the investigation and/or resolution of the complaint.

6) Time Frame for Reporting a Complaint:

The purpose of this Policy and these procedures is to help create an inclusive environment and culture at Drexel University that facilitates the free exchange of ideas in an atmosphere of mutual respect. It is therefore incumbent on any person who feels that this Policy has been violated to report the incident as promptly as possible. The longer an incident goes unreported, the longer a discriminatory or hostile environment may persist. In addition, over time, memories and physical evidence fade and it becomes more difficult or even impossible to establish a violation of this Policy by a preponderance of evidence. For these reasons, barring extenuating circumstances, the University will not pursue disciplinary action against an individual for any incident that is reported more than five years after its occurrence. Therefore, we encourage individuals to report any suspected or experienced incident of Discrimination, Harassment or Retaliation as promptly as possible so that corrective action may be taken to create a more positive environment.

In all cases, however, the University will conduct a preliminary review of the available information, offer reasonably available supportive measures to a Complainant, and take appropriate action, as available, to eliminate any continuing hostile environment.

7) Bystander Intervention:

The University expects all community members to take reasonable and prudent actions to prevent or stop Discrimination, Harassment, and Retaliation. Taking action may include direct intervention, calling the Drexel Office of Civil Rights Compliance or law enforcement, or seeking assistance from a person in authority. Community members who, in good faith, choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

8) Statement Against Retaliation:

It is a violation of University Policy to retaliate in any way against an individual or a group because the individual or group reported an allegation or participated in an investigation or resolution of a complaint of Discrimination, Harassment and/or Retaliation. The University recognizes that Retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a Respondent can also be the subject of Retaliation by the Complainant or a Third Party. The University will take immediate and responsive action to any report of Retaliation and may pursue disciplinary action as appropriate.

9) Statement Against Malicious Accusations:

It is a violation of this Policy as well as other applicable University policies to allege, report and/or pursue false or inaccurate reports of discrimination, harassment and/or bias if the Complainant is aware that the allegations are false or inaccurate. Should it be determined that the Complainant acted out of malice or in bad faith, appropriate remedial actions will be taken. The University will take immediate and responsive action to any knowingly false and malicious allegation and may pursue disciplinary action as appropriate. Decisions as to whether or not a malicious accusation has taken place will use the preponderance of the evidence standard.

C. INTERIM MEASURES

Upon receipt of a report, the University will provide interim support and reasonable Protective Measures to prevent further acts of Discrimination, Harassment, or Retaliation and to provide a physically safe and healthy, respectful educational, living, and work environments. The University will determine the necessity and scope of any interim measures. Even if a Complainant, Respondent or anyone else involved in the investigation does not specifically request that protective action be taken, the University may choose to impose interim measures at its discretion to ensure the safety of any individual, the broader University Community or the integrity of the review process.

D. REVIEW, INVESTIGATION AND RESOLUTION OF COMPLAINTS

The procedures below outline the process the University follows when it receives a report alleging a violation of the *Policy on Prohibited Discrimination, Harassment, and Retaliation* by a member of the Drexel Community. For the purposes of this Policy, “by a member of the Drexel community” means current students, current faculty, current

professional staff member, and current student or employee groups. This Policy also applies to visitors, volunteers, non-employee associates and third parties doing business or providing services on campus, including vendors, independent contractors, and consultants.

The process described below is Drexel's internal University process to determine whether Drexel Policy was violated and is not a court system. As such, Drexel's process does not use the same rules of procedure and evidence as those used by courts and law enforcement. **A person who has experienced a crime has the right to simultaneously file and pursue a criminal complaint with law enforcement and a complaint with the University if they choose, and to be assisted by the University in notifying law enforcement, if they choose, or decline to notify such authorities.**

The University will review and respond to all reports of Discrimination, Harassment, and Retaliation. The University's EO Coordinator will oversee the University's investigation and resolution.

Initial Inquiry: Upon receipt of a report of discrimination or harassment, the first step is an intake with an Case Manager to determine any immediate needs that the complainant has. In every report of Discrimination, Harassment, and/or Retaliation, the University will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

If the Complainant chooses to move forward and explore a formal process or if the University deems it necessary, an initial inquiry will occur with a Civil Rights Investigator to determine whether the allegations, if substantiated, would rise to the level of a violation of University Policy; a determination of the specific Policy(ies) implicated; and an assessment of the appropriate University response. If the University determines that the conduct reported falls under the scope of this Policy, the Investigator will proceed to apply the procedures of the Policy:

- Educational Response
- Alternative Resolution/Informal Resolution
- Formal Resolution

If a Complainant chooses not to participate in a full investigation and/or adjudicatory process, an Initial Inquiry and review may still move forward. The purpose of this Initial Inquiry is to review the report and seek to reach a resolution that will eliminate any potential harassment or discrimination; prevent its recurrence; and address its effects.

When the University has received a report of Discrimination, Harassment or Retaliation, but the Complainant requests that their identity remain confidential or that the University not pursue an investigation, the University will balance this request with its responsibility to provide a safe and non-discriminatory environment for all University Community members.

If the University is satisfied that the matter can be resolved without invoking the disciplinary process, the University will inform the Complainant in writing of the outcome of the Initial Inquiry and any action taken by the University. In cases where the

Respondent has been notified of the complaint, the Respondent will also be notified in writing of the outcome.

The Initial Inquiry will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, formal investigation may begin, depending on a variety of factors, including the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation. The University's responsibility to review all allegations of Discrimination, Harassment, and Retaliation exists regardless of whether that review culminates in additional investigation, finding, and exists independently of the criminal justice process.

The Drexel Office of Civil Rights Compliance will inform Complainants and Respondents in writing if it determines, based upon its Initial Inquiry, that a formal investigation of the complaint is warranted to determine whether there has been a violation of this Policy.

Educational Response

Educational response involves measures taken by the University in response to a report of discrimination, harassment, or other conduct of concern when a formal resolution is not desired by the Complainant, when there is not enough information to proceed with a formal resolution against a known Respondent, and/or where the University deems it an appropriate response based on the assessment of the complaint. Educational response is not used when the Drexel Office of Civil Rights Compliance determines that an investigation will proceed.

An educational response is non-disciplinary and does not result in findings related to responsibility or in sanctions. An educational response does not preclude further steps, including formal or alternative resolution, if a complaint is later made or additional information is received by the Drexel Office of Civil Rights Compliance.

Educational response may include:

- An educational meeting with the Respondent
- Referral to another University office for response
- Training for a group or unit

If the Drexel Office of Civil Rights Compliance refers to an educational response or meeting to another University office, that office will provide a summary of the meeting to the EO Coordinator or designee.

Alternative Resolution/Informal Resolution

In matters where a complaint has been filed and has passed Initial Inquiry, the parties may elect to resolve the matter through Alternative/Informal Resolution (henceforth referred to as Alternative Resolution). Both Complainant(s) and Respondent(s) may request Alternative Resolution. Alternative Resolution is voluntary, and the University will not require parties to engage in this process. Alternative Resolution utilizes informal resolution mechanisms to resolve complaints of discrimination, and/or harassment.

The Complainant, Respondent, and University must agree to participate in Alternative Resolution. If any party does not agree, the matter will proceed with the investigation and formal resolution process.

The University utilizes various forms of alternative or informal resolution options. Parties interested in this option will receive written notification disclosing:

- The allegations
- The requirements of the chosen alternative resolution process
- Notice that at any time prior to agreeing to a resolution, any party has the right to withdraw from the alternative resolution and resume the formal complaint process.

In the event a party withdraws from the alternative resolution process, or the process is terminated by the facilitator, records from the alternative resolution process will not be shared with those investigating the matter but will be maintained by the Drexel Office of Civil Rights Compliance.

Alternative Resolution may include, but is not limited to, Facilitated Agreements. Facilitated Agreements are communications between the parties where a facilitator(s) serves as an intermediary to help the parties reach a mutually agreed upon resolution to the complaint. Parties may engage in Facilitated Agreements either directly (Facilitated Dialogue) or indirectly (Shuttle Negotiation). Examples of resolution terms obtained through this process may include but are not limited to:

- Participation in educational offerings
- Restrictions from participation in campus events and/or registered student organizations
- Administrative and/or academic changes
- Relocation or removal from on-campus housing
- No Contact Directive

Agreements reached as part of alternative resolution are final and cannot be appealed. Alternative resolution can be terminated by either party prior to an agreement being signed. The EO and TIX Coordinator or their designee may also terminate the alternative resolution process if they believe it is no longer an appropriate option for the parties. The decision to terminate an alternative resolution process will be based on factors such as the nature and/or severity of the conduct described in the report, concerns related to safety/risk to campus community, or if the parties are unable to reach a mutual resolution agreement.

Anyone serving as an alternative resolution facilitator will be trained in accordance with current state and federal requirements. The EO and TIX Coordinator or their designee will be responsible for assigning a facilitator(s) to particular matters. The facilitator(s) for the alternative resolution process must not be the same person as the investigator or decision maker in a particular matter.

Formal Resolution

When an Initial Inquiry leads to the formal resolution process, the Drexel Office of Civil Rights Compliance will provide written notice to the Complainant and Respondent, if their identities are known, that includes:

- Notice of Drexel’s complaint resolution process
- Sufficient details of the allegations that are known at the time so the parties may prepare for their investigative interview, including:
 - The identities of the parties involved in the incident, if known.
 - The conduct alleged to constitute a violation of Policy; and
 - The date and location of the incident(s), if known.

The written notice will inform the parties of the University’s prohibitions on retaliation and knowingly making false statements or knowingly submitting false information during the complaint resolution process.

If, in the course of an investigation, the University decides to investigate additional allegations, the Drexel Office of Civil Rights Compliance will provide notice of the additional allegations to the parties whose identities are known pursuant to the requirements above.

Acceptance of Responsibility

Prior to the conclusion of an investigation, the Respondent may elect to take responsibility for the prohibited conduct by contacting the Drexel Office of Civil Rights Compliance in writing. Following an acceptance of responsibility, the Drexel Office of Civil Rights Compliance may solicit additional information relating to the matter and will issue a brief outcome determination to the parties summarizing the allegations and stating the Respondent has accepted responsibility and will refer the matter to the appropriate office for sanctioning as delineated in the resolution sections below. Following the determination of sanctions, parties may appeal the sanctions imposed but not the finding(s) of responsibility as accepted by Respondent. In the event a Respondent decides to accept responsibility for some but not all of the allegations, the Drexel Office of Civil Rights Compliance will determine whether to sever the matter, sending the allegations for which the Respondent has accepted responsibility to the appropriate office for sanctioning and continuing with the formal resolution process for the remaining allegations. Alternatively, the EO Coordinator or designee may determine whether it will proceed with the formal resolution process for all allegations.

Withdrawal of Complaint

At any time prior to the conclusion of an investigation, the Complainant may request to withdraw the complaint, or any discrete allegations in the complaint, by contacting the Drexel Office of Civil Rights Compliance in writing. The EO Coordinator or designee will determine whether to close the case or whether it is necessary to continue with the formal resolution process with regard to any or allegations without the complainant’s continued participation.

Dismissal

The EO Coordinator or designee may dismiss a complaint or any allegations therein at any point during the investigation process if:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is no longer enrolled at, affiliated with, or employed by the University;
- The complainant voluntarily withdraws any or all of the allegations in the complaint and EO Coordinator or designee determines that, without the complainant's withdrawn allegations, the conduct that remains in the complaint, if any, would not constitute a Policy violation, even if proven true; or
- The conduct alleged in the complaint, if proven true, would not constitute a Policy violation.

In the event that EO Coordinator or designee determines that a complaint should be dismissed, they will promptly inform the Complainant of dismissal and the basis for dismissal and, if the dismissal occurs after the Respondent has been notified of the allegations, they will also inform the Respondent of the dismissal and the basis of the dismissal.

Investigation

The Drexel Office of Civil Rights Compliance investigates complaints through formal resolution. Depending on the circumstances, one or more investigators (internal or external) will be designated to investigate the matter. All investigators are trained in applicable law and the University's policies and procedures. Depending on the circumstances and in its discretion, the University may either consolidate the investigation and/or sanctioning of multiple complaints involving the same Respondent and/or situations where the parties have complaints against each other (cross-complaints).

Advisor

The Complainant(s) and the Respondent(s) are each entitled to an ***Advisor*** of their choice who can be present with them throughout the entire investigative process. The Advisor may not be a Party or witness involved in the investigation, nor may the Advisor speak on behalf of a Party or otherwise directly participate in the hearing or investigative meetings. The Complainant or Respondent may confer with an Advisor within reason during such meetings or at the hearing.

The interaction of a Complainant or Respondent with their Advisor, however, may not inhibit the truth-seeking function of the meeting or proceeding.

Evidence

During the investigation, the investigator(s) will identify, elicit, and gather evidence related to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reaching a determination of whether or not a Policy violation has occurred lies with the University and not with the Parties. Generally, the investigator(s) will meet with each Party and each witness separately and may hold multiple meetings with a Party to obtain all necessary information. The Parties may submit additional materials or information to the investigator(s) at any time before the conclusion of the investigation.

Participation

During the investigation, the Complainant will have the opportunity to describe their allegations and present supporting evidence to the investigator(s). The Respondent will have the opportunity to hear the allegations, respond to them, and present supporting evidence to the investigator(s). No Party or Witness, unless they are a Respondent or Witness who is a University Employee, is required to participate in the investigation, and the Investigator will draw no adverse inference from a decision by any party or witness not to participate.

Recording and Interviews

The Investigator will record, with permission of the Party or Witness, and transcribe (or arrange for transcription of) all interviews. For Parties or Witnesses who elect not to have their interview recorded, the Investigator will prepare a statement of the interview, and the Party or Witness who declined to be recorded will be given the opportunity to review the interview statement of their own interview and correct spelling/grammar and factual errors and provide clarification if needed by the deadline set by the Investigator. If the Party or Witness does not provide any response to the interview summary within the allotted timeframe, the Investigator will consider the interview summary accurate. The Investigator may address any substantive comments or corrections submitted in the investigative report. Meetings that do not constitute an interview are not audio or video recorded by the University and may not be recorded by any participant. Parties and witnesses may take notes during investigation meetings. The Investigator may have follow-up questions for a Complainant, Respondent, or Witnesses after their respective initial interviews. Each participant will have a reasonable time to complete any follow-up interview requested by an Investigator, but if a follow-up interview is not completed within a reasonable time frame, the investigation will move forward.

Witnesses

The Complainant and Respondent will have an equal opportunity to present the names of potential witnesses and to propose questions the investigator(s) might ask the other party or witnesses. Complainants and Respondents may identify potential factual witnesses but may not present character witnesses. The investigator(s) will take the witness lists provided by the Complainant and Respondent into consideration when identifying the witnesses they will interview and what questions they might ask each witness, but these decisions are solely within the investigator's discretion. The investigator(s) retain discretion to limit the number of witness interviews the investigator(s) conduct if the investigator finds that testimony would be unreasonably cumulative, or if the witnesses do not have information relevant to the allegations at issue. The investigator(s) may also choose to interview other witnesses not identified by the Parties.

Preliminary Investigative Report Review Procedures

After each Party has been provided the opportunity to be interviewed by the investigator(s), identify witnesses, provide evidence, and suggest questions; and the investigator(s) have completed witness interviews and the gathering of evidence, the investigator(s) will prepare a preliminary investigative report. The preliminary investigative report will include a summary of the relevant information provided by the Complainant, Respondent, and each witness, and a copy and/or written summary of all

relevant evidence collected during the investigation. The preliminary investigative report will not contain any findings.

The Parties will be provided with an opportunity to review the preliminary investigative report and respond in writing. Typically, the report will be provided to each Party electronically via the University's chosen cloud storage platform. Parties are expected to maintain the privacy of this document and may view but not download or distribute this document. Unauthorized distribution of this document may result in referral to the appropriate office for disciplinary action.

The Parties may each submit written comments, feedback, additional documentary evidence, requests or additional steps in the investigation, suggest written relevant questions for any Party or witness, names of additional witnesses, or any other information they deem relevant to the investigator(s), within ten (10) business days after the preliminary report is made available for review. Upon a written request, the Drexel Office of Civil Rights Compliance, in its discretion, may grant an extension not to exceed 10 additional business days. Such an extension may delay the resolution of the complaint. The Investigator(s) will review the written response provided by the parties and conduct additional investigation necessitated by that feedback. If the Investigator received information from a Party in response to the Preliminary Investigative Report that warrants further investigation, the Investigator, in consultation with the EO and TIX Coordinator, has the discretion to extend the investigation.

The Parties are permitted to review the preliminary investigative report solely for the purposes of this complaint process and may not photograph or disseminate the report to the public.

Final Investigative Report

The Investigator will prepare a final investigative report after reviewing all responses submitted by the parties in the draft/preliminary investigative report. The final investigative report will contain all the information from the preliminary report, any response to the preliminary report submitted by the Complainant and/or Respondent, and any additional information gathered. The Investigator(s) will make a determination based on a Preponderance of the Evidence whether there is sufficient evidence to support the finding of responsibility for a violation of the Policy (and, where applicable, any other relevant policies). The Investigator(s) will provide a full rationale for the findings, including an analysis of the available information, in the final investigative report. The Investigator(s)' determination will be based solely on the evidence contained within the final investigative report. The Assistant Vice President, Equal Opportunity and Title IX Coordinator will review and approve the final investigative report before issuing the report to the Complainant and Respondent.

The Complainant and Respondent will be notified simultaneously in writing of the final investigative report and outcome of the investigation. The notifications will include findings related to alleged violations of Policy and the rationale for all findings. If a complaint includes multiple allegations, a finding will be made for each allegation.

1. Resolution for cases where no violation has been found.

Complainant and Respondent will be notified of their appeal rights and appeal procedures. As noted above, the University encourages the parties to maintain privacy of all communications related to the finding.

2. Resolution of cases where a violation has been found.

If a Respondent is found to be responsible for one or more Policy violations, the notification of findings will include information regarding the sanctioning process. In determining sanctions, the decision maker(s) for sanctions has the following objectives:

- Promoting safety and protecting the University community.
- Sanctioning individuals for violating this Policy and deterring them from similar future behavior.
- Ending conduct.
- Taking steps to prevent the future reoccurrence of the conduct.
- Restoring the Complainant to their pre-deprivation status, to an extent practical and possible.

Within five (5) business days of transmission of the Final Investigative Report where there is a determination of a Policy violation, both parties may submit an impact statement (Complainant) or mitigation statement (Respondent) to the Assistant Vice President, EO and Title IX Coordinator for consideration by the Individual(s) determining the appropriate sanction. An impact statement describes the impact of the actions on the Complainant and a mitigation statement includes information that a Respondent believes should mitigate or otherwise be considered in determining sanctions.

Time Frame for Resolution: The investigation and resolution of all reports will generally be completed within 60 business days. The investigation itself will typically be completed within thirty (30) business days of the initiation of the investigation, although the complexity of a report may require a longer time frame. The time frames may be extended for good cause to ensure the integrity and completeness of the investigation, to accommodate the availability of witnesses, to address University breaks or vacations, or other legitimate reasons. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing.

In general, a Complainant and Respondent can expect to receive periodic updates as to the status of the review or investigation.

E. SANCTIONS

The University considers the sanctions listed below (students, professional staff, faculty) to be guidelines when a violation of the Policy is found. Each incident is reviewed on an individual basis. The Policy prohibits a broad range of behaviors, all of which are serious in nature. Depending on the specifics of the incident, more or less severe sanctions may be imposed.

In determining the appropriate sanction, the following factors will be considered:

- The nature and degree of violence of the conduct at issue.

- The impact of the conduct on the Complainant or other appropriate parties.
- Whether a power differential existed between the Complainant and the Respondent.
- The impact or implications of conduct on the community or the University.
- Prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the University or elsewhere (if known), including criminal convictions.
- Whether the Respondent has accepted responsibility for the conduct.
- Maintenance of a safe and respectful environment conducive to learning.
- Protection of the University community; and
- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

Sanctions will be recommended and determined as follows:

- **Student Respondents-** If a Policy violation is found, the Drexel Office of Civil Rights Compliance will provide the final investigative report to the Office of Student Conduct and CARE who will determine sanctions. Student Conduct will provide written notice of any sanctions to the Respondent and Complainant simultaneously within five (5) calendar days of the sanctioning decision. The notice will include the sanction(s), a summary of the rationale, and information on the appeal process.
- **Professional Staff Respondents-** If a Policy violation is found, the Drexel Office of Civil Rights Compliance will provide the final investigative report to the Office of Human Resources and the Respondent's manager(s), who are responsible for deciding what sanctions or corrective actions should be imposed on the Respondent, in accordance with sanctioning guidelines. The Respondent and Complainant simultaneously within five (5) calendar days of the sanctioning decision. The notice will include the sanction(s), a summary of the rationale, and information on the appeal process.
- **Faculty Respondents-** If a Policy violation is found, the final investigative report will be sent to the Provost's office and Dean to determine sanction(s) and corrective action imposed. The Respondent and Complainant simultaneously within five (5) calendar days of the sanctioning decision. The notice will include the sanction(s), a summary of the rationale, and information on the appeal process.
- **For Respondents holding any other status:** sanctions and/or corrective actions will be determined by the appropriate University office, depending on the status of the Respondent.

Sanctions that may be imposed under this Policy for students include:

Warning: Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

Educational Requirements: Completion of projects, programs, or requirements designed to help the student manage behavior and understand why it was inappropriate. Includes appropriate and relevant community service opportunities.

Disciplinary Probation: Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed offices, student research, athletics, University-related student employment, and study abroad). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other University Policy violations may result in further disciplinary action.

Restitution: Repayment to the University or to an affected party for damages resulting from a violation of this Code. To enforce this sanction, the University reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.

Housing Restrictions: Exclusion from University housing or change in housing arrangements.

Suspension: Exclusion from University premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the student's conduct file. Conditions for readmission may be specified in the suspension notice.

Expulsion: Permanent termination of student status and exclusion from University premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript.

Revocation of Admission and/or Degree: Admission to, or a degree awarded by, the University may be revoked for fraud, misrepresentation in obtaining the degree, or violation of University policies, the Student Code of Conduct or for other serious violations committed by a student during the enrollment process, or prior to graduation.

Withholding Degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed.

Other sanctions may be imposed instead of, or in addition to, those specified here. More than one of the sanctions listed above may be imposed for any single violation.

Both Complainants and Respondents are informed of appeal procedures. As noted above, the University encourages the parties to maintain privacy of all communications related to findings and sanctions.

Sanctions that may be imposed for Professional Staff and Faculty include:

Warning: Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

Educational Requirements: Completion of training, projects, programs, or requirements designed to help the employee manage behavior and understand why it was inappropriate. Includes appropriate and relevant community service opportunities.

Formal Performance Improvement Plan – see Performance Improvement Process Policy, H.R. 43. *Restitution:* Repayment to the University or to an affected party for damages resulting from the Policy violation.

Suspension: Exclusion from University premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the employee's file. Conditions for return to work may be specified in the suspension notice.

Termination: Permanent termination of employment status and exclusion from University premises, privileges, and activities. This action will be permanently recorded in the employee's file.

Other sanctions may be imposed instead of, or in addition to, those specified here. More than one of the sanctions listed above may be imposed for any single violation.

There may be instances when the University concludes that a violation of this Policy has not occurred, or that the evidence does not support a definitive conclusion with regard to a violation under this Policy, but that the conduct uncovered through the investigation invokes other University policies. In such cases, the Drexel Office of Civil Rights Compliance will refer the matter to the appropriate University office to determine the next steps.

If any individual is found to have violated this Policy under the preponderance of the evidence standard, the University will address such Discrimination, Harassment, and/or Retaliation promptly and effectively through appropriate remedial measures and/or **Sanctions**. Note that acting in a malicious manner as described in Section XIII in order to damage or tarnish the reputation of any member of the Drexel University Community is also considered as a violation of this Policy. In the case of students, Sanctions may include disciplinary action up to and including expulsion. In cases involving professional staff or faculty, Sanctions may include disciplinary action up to and including termination of employment (consistent with other University policies, including the Tenure and Promotion Policy). Third parties who engage in such behavior also may be sanctioned, including termination of the University's contract or other arrangements with such Third Party.

There may be instances when the University concludes that a violation of this Policy has not occurred, or that the evidence does not support a definitive conclusion with regard to a violation of this Policy, but that the conduct uncovered through the investigation invokes other University policies. In such cases, the Drexel Office of Civil Rights Compliance will refer the matter to the appropriate University office to determine the next steps.

F. APPEALS

Both the Complainant and the Respondent may appeal the outcome or the Sanction. Complainant and the Respondent will have ten (10) business days to file a notice of appeal and will have fifteen business days to submit the appropriate documentation. The appeal documentation shall consist of a plain, concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Each party will be notified if the other party files an appeal. The other party will be given an opportunity to review the appeal and supporting documentation and may submit a written response to the appeal within five (5) business days.

At the discretion of the Equal Opportunity (EO) and Title IX Coordinator, an appeal may be assigned to either an Appellate External Adjudicator or a senior University administrator. The Appellate External Adjudicator and the senior University administrator shall each be referred to as the “Appellate Authority” in the following procedures.

The Complainant and Respondent may appeal only the parts of final outcome directly relating to themselves. The Appellate Authority shall only hear appeals on the following grounds:

1. ***Severity of the sanction imposed:*** To determine whether the sanction(s) imposed was appropriate for the violation of this Policy of which the employee was found in violation.
2. ***Improper procedure:*** To determine whether the original adjudication process was conducted fairly in light of the allegations and information presented, and in conformity with prescribed procedures.
3. ***New information that has become available that was not reasonably available during the investigation.*** To consider new information sufficient to alter a decision or other relevant facts not brought out in the original adjudication process, because such information and/or facts were not known or reasonably available at the time of the original hearing to the person appealing.
4. ***Inconsistency*** between the Civil Right Compliance team investigative determination and the recommendation of the Faculty-Student Conduct Review Board.

Appeals are not intended to be full re-investigations of the allegations. In most cases, appeals are confined to a review of the written documentation or record of the original investigation, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for the Appellate Authority to substitute their judgment for that of the original decision-maker, but rather to potentially make changes to the finding when at least one of the four specified grounds for appeal is established or there is a clear error or an abuse of discretion.

The Appellate Authority shall, in consultation with the Equal Opportunity and Title IX Coordinator make a determination on the case, within ten (10) business days of receipt of the full appeal documentation. The decision of the Appellate Authority is final.

Faculty-Student Conduct Review Board

If the complaint involves an allegation of Prohibited Conduct in an academic setting created a hostile educational environment in violation of this Policy, then either Party to the complaint may request review by a Faculty-Student Bias Conduct Review Board. This review is in addition to – not in lieu of - any informal or formal resolution process under this Policy.

The Faculty-Student Conduct Review Board (“Conduct Review Board”) will be made up of an equal number of faculty members and students. One or two faculty members from each College of School will be elected from the faculty in each College and School to sit on the Conduct Review Board. Students will be selected from the current Student Conduct Board and must have been an active Student Conduct Board member for at least two terms. All members of the Conduct Review Board will receive annual training from

the EO Coordinator or designee. Once a request for review by the Conduct Review Board is made to the EO Coordinator or designee, the following steps will be taken:

- The Equal Opportunity and Title IX Coordinator will inform the Senior Vice Provost for Faculty Affairs that a request for review by the Conduct Review Board has been made.
- The Senior Vice Provost for Faculty Affairs, who will chair the Conduct Review Board, will then remove faculty in the Respondent's College or School and then randomly select three faculty members and three students from the Conduct Review Board to make up the panel. One alternate faculty member and student will also be selected to serve as part of the panel as needed. All panel members must be free from conflicts of interest and make a commitment to maintain confidentiality of the information they will receive. Furthermore, each member of this panel must acknowledge that they understand that breach of such confidentiality could lead to disciplinary action up to and including expulsion or termination from the University. As Chair, the Senior Vice Provost will schedule and direct meetings and will have voice but not vote on the recommendations of the Panel.
- The Drexel Office of Civil Rights Compliance investigator shall within 5 days of the selection of the Bias Conduct Review Panel provide the Panel with the investigative report.
- The Panel will then review the report of the Drexel Office of Civil Rights Compliance investigator and make its own written recommendations to the Office of the Provost and the Equal Opportunity and Title IX Coordinator regarding whether the actions of the Respondent created a hostile educational environment in violation of this Policy. The panel's written recommendations will include the individual findings upon which its recommendations are based. The panel's recommendation will be considered by the Office of the Provost and the Equal Opportunity and Title IX Coordinator.

G. REMEDIES

Where there is a finding of responsibility for Discrimination, Harassment, or Retaliation, the Drexel Office of Civil Rights Compliance will take appropriate remedial action to eliminate the conduct; prevent its recurrence; and address its effects on the Complainant, including restoring the Complainant's access to the University's educational program and activities. The Drexel Office of Civil Rights Compliance will also identify remedies to address the effects of the conduct on any other affected members of the University community, including actions to address any impacts on culture and climate.

H. EDUCATIONAL PROGRAMS

The University educates its community about Discrimination, Harassment and Other Conduct of Concern through diverse educational opportunities for faculty, professional staff and students. These include, but are not limited to, mandatory employee training, educational programs for senior administrators and first responders, freshman and transfer-student orientation programs each fall, and in-person programs for residential living, athletics and Greek organizations. Through tracking trends within areas of the

University, the Drexel Office of Civil Rights Compliance is proactive about targeted training as needed. The Drexel Office of Civil Rights Compliance and other University partners offer Discrimination, Harassment and Other education and information programs to University students and employees upon request. Literature on inclusive culture, violence prevention, bystander prevention of incidents, risk reduction and University response is also available.

VI. KEYWORDS AND DEFINITIONS (in alphabetical order)

Advisor means a person chosen by a Party to accompany the Party to any meeting, interview, or hearing related to investigative process. An Advisor may not be a party or witness involved in the investigation, nor may the Advisor speak on behalf of a party or otherwise directly participate in the hearing or investigative meetings.

Complainant means an individual who is alleged to have been subjected to Discrimination, Harassment and/or Retaliation, as defined in this Policy, or the victim of Retaliation for engaging in a protected activity.

Confidential Employee means any University employee who is a licensed medical, clinical, or mental health professional, when that person is providing services to a patient or client who is a University student or an employee, or any other employee explicitly designated as a Confidential Employee by the University.

Consent means freely and affirmatively communicated willingness to participate in sexual activity or behavior, expressed either by words or clear, unambiguous action. See Sexual Harassment and Sexual Misconduct Policy for a more comprehensive definition.

Day means a business day when the University is in normal operation.

Designated Employee/Mandated Employee: All officers, deans, department heads, faculty members, academic advisors, directors and supervisors, as well as any professional staff, student employees or volunteers who are responsible for student welfare, must report immediately to the University's Drexel Office of Civil Rights Compliance any and all incidents they have reason to believe constitute discrimination and harassment under this Policy, regardless of whether or not the individual witnessed the incident themselves or learned of it through the Complainant or a Third Party.

Determination means a conclusion by the preponderance of the evidence as to whether there is sufficient information to conclude that the conduct alleged occurred as alleged and, if so, whether such alleged conduct constitutes a violation of University Policy.

Equal Opportunity and Title IX Coordinator is an official designated by the University to ensure compliance with Title IX, the University's Title IX program, and this Policy. References to the Title IX Coordinator throughout this Policy may also encompass a designee of the Coordinator for specific tasks.

Formal Complaint means a document signed by a Complainant or the Title IX Coordinator alleging sexual harassment or sexual misconduct or Retaliation, against a Respondent and requesting that the recipient investigate the allegation. A Formal Complaint is required in order to begin participation in the Formal Resolution Process.

Hate Crime: A hate crime is generally defined in federal and state statutes as a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against the victim's identity or group affiliation. See Ethnic Intimidation Act (Act 154 of 1982, 18 Pa. C.S. §2710).

Initial Inquiry: In every report of Discrimination, Harassment, and/or a Conduct of Concern, the University will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

Investigator means the person(s) charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance, synthesizing the evidence, and compiling this information into an Investigative Report and file of evidence directly related to the allegations raised in the complaint.

Investigative Report means a written document prepared by the Investigator that fairly summarizes all relevant evidence collected and reviewed during the course of an Investigation.

Party means the Complainant or Respondent.

Parties include the Complainant(s) and Respondent(s), collectively.

Policy means Drexel University's Policy on Prohibited Discrimination, Harassment, and Retaliation

Preponderance of the Evidence: This is the standard for determining whether a violation of this Policy has occurred and means that more than 50% of the evidence supports the finding. A Preponderance of the Evidence is equivalent to "more likely than not."

Protective Measure means measures designed to limit contact between the Respondent and Complainant, or between the Respondent and others who have been or may be impacted by the alleged conduct, which may include the University Community at large.

Remedies are measures directed toward the Complainant and/or the University Community to address safety, prevent recurrence, and restore equal access to the University's programs and activities after a Respondent is found to have violated this Policy.

Respondent means an individual who has been reported to have committed acts of Discrimination, Harassment and/or Retaliation.

Retaliation means any adverse action taken against a person or group for making a good faith report of prohibited conduct or participating, or choosing not to participate, in any process or proceeding under this Policy.

Sanction(s) means a consequence imposed by the University on a Respondent who is found to have violated this Policy.

Supportive Measure means non-disciplinary, non-punitive, individualized services or actions that are taken or provided, free of charge, to all parties and witnesses. Supportive Measures can be provided or considered even if no complaint is filed with the University.

Supportive Measures may be designed to address individual safety and well-being and to promote fair access to adjudicatory and resolution processes. In determining appropriate Supportive Measures, the University is committed to maintaining fairness for all parties and to balancing the needs and interests of the individuals involved with the safety of the community.

Third Party means any other participant in the process, including a witness to the misconduct or an individual who makes a Report on behalf of another.

Threshold Determination means a determination reached by the Investigator after an Investigation as to whether the elements of a Policy violation have been sufficiently raised to proceed to Adjudication.

University Community means Drexel University faculty, students, employees (including employees covered under Collective Bargaining Agreements), trustees, officers, and other members of the University community. It also applies to applicants for admission or employment, visitors, and third parties doing business or providing services on campus, including vendors, independent contractors, and consultants. When used in this Policy, “employee” generally refers to both professional staff and faculty members.

VII. RELATED POLICIES, FORMS AND RESOURCES

A. Related Policies

- Sexual Harassment and Sexual Misconduct Policy
- Reasonable Accommodations of Individuals with Disabilities Policy
- CPS-1 Code of Conduct

B. Forms and Resources

VIII. POLICY HISTORY

Interim Policy/ Emergency Policy-Revision Date: November 1, 2024
Revision Date: November 1, 2017