



# PENNBOOK

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The Pennbook is a collection of policies that relate to student life at the University of Pennsylvania. These policies govern academic activities such as grading and exams, provide guidance on the use of campus resources, and explain expectations for membership in the university community.

The Code of Student Conduct (p. 41) and the Code of Academic Integrity (p. 40) outline the general responsibilities of being a student at Penn. All students are expected to have read and understood both policies before coming to campus.

If you live on campus, consult the Residential Handbook (<https://cms.business-services.upenn.edu/residential-services-handbook/handbook.html>) for the policies, rules, and regulations that govern living in Penn's residential community.

For policies governing faculty, please consult the Faculty Handbook (<http://catalog.upenn.edu/faculty-handbook/>). For those governing Penn employees, see the Human Resources Policy Manual (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/>).

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Download the Pennbook (PDF) (<http://catalog.upenn.edu/pdf/University%20of%20Pennsylvania%20Pennbook.pdf>) - Last Updated February 13, 2025.

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## Note on Former Policies:

- **Consensual Sexual Relations Between Faculty and Students**— Effective on July 1, 2019, the University has a new policy, Consensual Romantic and Sexual Relations in Workplace and Educational Settings, which is part of its Sexual Misconduct Policy (p. 131). The current Policy may be found in the Sexual Misconduct Policy (p. 131).
- **Sexual Harassment Policy** – Effective on July 1, 2019, the University's Sexual Harassment Policy was updated and incorporated into its new Sexual Misconduct Policy (p. 131). The current Policy may be found in the Sexual Misconduct Policy (p. 131).
- **Sexual Violence, Relationship Violence, and Stalking Policy**— Effective on July 1, 2019, the Sexual Violence, Relationship Violence, and Stalking Policy was incorporated into the Sexual Misconduct Policy (p. 131). The University's current Policy may be found in the Sexual Misconduct Policy (p. 131).
- **Student Disciplinary Procedures for Resolving Complaints of Sexual Assault, Sexual Violence, Relationship Violence and Stalking**— Effective on July 1, 2019, the University's Procedures for resolving complaints of sexual misconduct, including sexual harassment and sexual violence, relationship violence and stalking, were incorporated into the new Sexual Misconduct Policy (p. 131). The current procedures and resources available to resolve complaints or concerns against another member of the University community may be found in the Sexual Misconduct Policy (p. 131).

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# ACADEMIC POLICY FOR PARTICIPATION IN INTERCOLLEGIATE ATHLETICS

To be certified academically eligible to participate (practice and/or compete) in intercollegiate athletics at the University of Pennsylvania, a student:

- Shall not have been awarded a baccalaureate degree, and
- Shall be in a specific baccalaureate degree program by beginning of the fifth term of full-time enrollment (at Penn or anywhere), and
- Shall be enrolled for a full-time course load of academic study for the current semester, and
- Shall have been awarded a minimum of 1.5 course units for each semester of full-time enrollment (beginning with the first semester of participation in intercollegiate athletics [anywhere]), and
- Shall satisfy requirements in the following areas:
  - a. NCAA Initial Eligibility (Freshman Only)
  - b. Completion of academic course work (course units awarded)
  - c. Grade-point-average
  - d. NCAA percentage of degree requirement

*Note: The calculation of the percentage of degree, which is based upon the information found in a student-athlete's official academic worksheet has been automated effective with the 2005-06 academic year. A percentage cannot be calculated when a worksheet does not exist or is not official. It is the responsibility of the student-athlete to ensure that academic worksheet is official and current as to the student-athlete's major and/or concentration and that all courses have been correctly slotted under the applicable requirement field. Student-athletes are to have academic worksheets made official by end of the fourth semester.*

*Transfer student-athletes and student-athletes participating in study abroad programs are not exempted from the percentage of degree requirement.*

Provisional eligibility may be granted onetime only to a student-athlete who does not satisfy the prescribed norms for progress – being awarded an average of four (4) course units of academic credit per full-time semester or the good standing – a cumulative GPA of 2.00 provided all other applicable requirements are satisfied. Provisional eligibility, when granted, shall terminate at the conclusion of the academic year in which it is granted or at the start of the spring semester should the student-athlete's academic performance for the fall semester not meet the NCAA term progress and/or GPA requirement.

**In observance of NCAA legislation**, certification of satisfaction of academic requirements is required prior to competition in each semester. Additionally, senior student-athletes or student-athletes who are exhausting their athletic eligibility must be recertified prior to participation in postseason competition occurring between semesters – fall to spring as well as spring to fall.

Information for:

- Incoming Freshman (p. 4)
- Rising Sophomores (p. 4)
- Rising Juniors (p. 5)

- Rising Seniors (p. 5)
- Fifth Year Students (p. 6)

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**I. Incoming Freshmen** (or students who are enrolling as full-time college students for first time):

All students who are in their first or second semester of full-time college enrollment (anywhere) must be registered in a full-time course load of study. Additionally, a student participating in a NCAA sponsored sport is required to be certified by the NCAA Initial Eligibility Clearinghouse as having satisfied the applicable academic requirements for participation in intercollegiate athletics during a student's first-year of college matriculation.

**This means if you are a freshman, to be academically eligible you must be:**

- A full-time student, and
- Certified eligible by the NCAA Clearinghouse (except freshmen participating in non-NCAA sponsored sports)

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**II. Rising Sophomores** (or students who have completed two full-time semesters (or equivalent) of college enrollment (including transfer student-athletes):

By the beginning of the third semester of enrollment (start of sophomore year for most student-athletes) a student must have achieved a minimum cumulative grade-point-average of 2.00, earned a minimum of one and one half (1.5) course units for the prior academic semester (not summer term) and the student's transcript must display a minimum of eight (8) course units as having been awarded for the period commencing with the student's first full-time semester and ending with the second full-time semester (including applicable summers). A minimum of four and one half (4.5) of the eight (8) course units awarded must be from academic course work completed in the first two full-time semesters (at Penn or elsewhere). Additional course units may be awarded from the first two full-time semesters and/or from any of the following: advanced placement credit, Penn's Pre-Frosh Program credit, summer and/or transfer credit, all of which must be displayed on the student's transcript at the time of eligibility evaluation.

**This means if you are a sophomore, to be academically eligible you must:**

- Be a full-time student, and
- Have a minimum cumulative GPA of 2.00, and
- Have 8 course units (on transcript at time of eligibility evaluation),
  - A minimum of 4.5 of the 8 course units must be for academic work completed in the first two full-time semesters (excluding summer), and
  - A minimum of 1.5 course units must be for academic work completed in the previous full-time semester (excluding summer),

New transfer students (matriculating at Penn for first time), to be academically eligible you must:

- Be a full-time student, and
- Have been awarded 24 course units of course work (equivalent of 6 Penn course units) at your former school.

- A minimum of 18 of the 24 course units must be for academic work completed in the first two full-time semesters (excluding summer), and/or
- Have 3 course units of transfer credit that is Penn degree applicable per term of full-time enrollment from the two-year college previously attended. Transfer credits must be displayed on transcript at time of eligibility evaluation.

#### **Provisional Eligibility – After two full-time semesters.**

If by the beginning of the third full-time semester a student-athlete satisfies all of the above requirements except for the cumulative GPA of at least 2.00 and/or eight (8) awarded course units on the transcript, the student-athlete may be considered for provisional eligibility.

- Minimum cumulative GPA for provisional eligibility consideration is 1.85.
- Minimum total number of awarded course unit credit is 6 CUs.
  - A minimum of 4.5 of the 6 course units must be for academic work completed in the first two full-time semesters (excluding summer).

To be considered for provisional eligibility a student-athlete shall meet with the school eligibility officer to discuss the academic deficiency and to develop an Academic Enhancement Plan (AEP) which shall record the plan for academic improvement and agreed upon conditions of provisional eligibility between the student-athlete and the school. The student-athlete shall then review the AEP with the Assistant Director of Athletics for Academic Services who may add additional stipulations. Following these two meetings, the student-athlete shall acquire signatures (in sequence) endorsing the AEP from the sport's head coach and DRIA compliance coordinator.

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### **III. Rising Juniors** (including transfer student-athletes):

By the beginning of the junior year (fifth and sixth semesters), a student must be in a degree program, have satisfied forty (40) percent of degree requirements, achieved a minimum cumulative grade-point-average of 2.00, earned a minimum of one and one half (1.5) course units for the prior full-time semester (not summer term) and the student's transcript must display an average of four (4) course units as having been awarded for each full-time semester of Penn enrollment. (A rising junior (unless a transfer student-athlete) must have a minimum of sixteen (16) awarded course units on his or her transcript) with a minimum of six (6) awarded course units being for work completed in the two most recently completed full-time semesters (including summer sessions). A minimum of four and one half (4.5) of these six course units must be from academic course work completed in the prior two full-time semesters (not including summer) with the additional one and one half (1.5) course units coming from academic work completed in the prior two full-time semesters and/or summer (including course units awarded for transfer credit), all of which must be displayed on the student's transcript at the time of the eligibility evaluation.

#### **This means if you are a junior, to be academically eligible you must:**

- Be a full-time student, and
- Be in a degree program (have an approved major, if applicable), and
- Have an official academic worksheet, and
- Have completed 40% of the requirements for your specific Penn degree, and

- Have a minimum cumulative GPA of 2.00, and
- Have a minimum of 16 course units (on transcript at time of eligibility evaluation),
  - A minimum of 6 course units awarded must be for academic work completed in the prior two full-time semesters and/or previous summer sessions).
  - A minimum of 4.5 course units awarded, must be for academic work completed in the prior two full-time semesters (excluding summer sessions),
  - A minimum of 1.5 course units must be for academic work completed in the previous full-time semester (excluding summer sessions),

New transfer students (matriculating at Penn for first time), to be academically eligible you must:

- Be a full-time student, and
- Be in a degree program (have an approved major, if applicable), and
- Have an official academic worksheet, and
- Have completed 40% of the requirements for your Penn degree
  - Thus, you will be required to have a sufficient number of awarded Penn and/or transfer credit on your transcript at the time of the eligibility review to satisfy the 40% percentage of degree requirement.

#### **Provisional Eligibility – After four full-time semesters.**

If by the beginning of the fifth full-time semester a student-athlete satisfies all of the above requirements except for the cumulative GPA of at least 2.00 and/or sixteen (16) awarded course units on transcript, the student-athlete may be considered for provisional eligibility.

- Minimum cumulative GPA for provisional eligibility consideration is 1.90.
- Minimum total number of awarded course unit credit is 14 CUs.

To be considered for provisional eligibility a student-athlete shall meet with the school eligibility officer to discuss the academic deficiency and to develop an Academic Enhancement Plan (AEP) which shall record the plan for academic improvement and agreed upon conditions of provisional eligibility between the student-athlete and the school. The student-athlete shall then review the AEP with the Assistant Director of Athletics for Academic Services who may add additional stipulations. Following these two meetings, the student-athlete shall acquire signatures (in sequence) endorsing the AEP from the sport's head coach and DRIA compliance coordinator.

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### **IV. Rising Seniors** (including transfer student-athletes):

By the beginning of the senior year (seventh and eighth semesters), a student must be in a degree program, have satisfied sixty (60) percent of degree requirements, achieved a minimum cumulative grade-point-average of 2.00, earned a minimum of one and one half (1.5) course units for the prior Penn academic semester (not summer term) and the student's transcript must display an average of four (4) course units as having been awarded for each full-time semester of Penn enrollment. A rising senior (unless a transfer student-athlete) must have a minimum of twenty-four (24) awarded course units on the transcript with a minimum of six (6) awarded course units being for work completed in the most recently completed two full-time semesters (including summer sessions). A minimum of four and one half (4.5) of these six course units must

be from academic course work completed in the prior two full-time semesters (not including summer) with the additional one and one half (1.5) course units coming from academic work completed either in the prior two full-time semesters and/or summer (including course units awarded for transfer credit), all of which must be displayed on the student's transcript at the time of the eligibility evaluation.

**This means if you are a senior, to be academically eligible you must:**

- Be a full-time student (unless you satisfy the criterion for a NCAA exception), and
- Be in a degree program (have an approved major, if applicable), and
- Have an official academic worksheet, and
- Have completed 60% of the requirements for your specific Penn degree, and
- Have a minimum GPA of 2.00, and
- Have a minimum of 24 course units (on transcript at time of eligibility evaluation),
  - A minimum of 6 course units awarded must be for academic work completed in the prior two full-time semesters and/or previous summer), and
  - A minimum of 4.5 course units awarded, must be for academic work completed in the prior two full-time semesters (excluding summer), and
  - A minimum of 1.5 course units must be for academic work completed in the previous full-time semester (excluding summer)

New transfer students (matriculating at Penn for first time), to be academically eligible you must:

- Be a full-time student, and
- Be in a degree program (have an approved major, if applicable), and
- Have an official academic worksheet, and
- Have completed 60% of the requirements for your Penn degree
  - Thus, you will be required to have a sufficient number of awarded Penn and/or transfer course units on your transcript at the time of the eligibility review to satisfy the 60% percentage of degree requirement.

**Provisional Eligibility – After six full-time semesters.**

If by the beginning of the seventh full-time semester a student-athlete satisfies all of the above requirements except for having the twenty-four (24) course units awarded, the student-athlete may be considered for provisional eligibility provided a graduation audit has been completed.

- Minimum cumulative GPA for provisional eligibility consideration is 2.00.
- Minimum total number of awarded course unit credit is 22 CUs.

To be considered for provisional eligibility a student-athlete shall meet with the school eligibility officer to discuss the academic deficiency and to develop an Academic Enhancement Plan (AEP) which shall record the plan for academic improvement and agreed upon conditions of provisional eligibility between the student-athlete and the school. The student-athlete shall then review the AEP with the Assistant Director of Athletics for Academic Services who may add additional stipulations. Following these two meetings, the student-athlete shall acquire signatures (in sequence) endorsing the AEP from the sport's head coach and DRIA compliance coordinator.

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**V. Fifth Year Students** (including transfer student-athletes):

By the beginning of fifth year (ninth and tenth semesters), a student must be in a degree program, have satisfied eighty (80) percent of degree requirements, achieved a minimum cumulative grade-point-average of 2.00, earned a minimum of one and one half (1.5) course units for the prior Penn academic semester (not summer term) and the student's transcript must display an average of four (4) course units as having been awarded for each full-time semester of Penn enrollment. A rising senior (unless a transfer student-athlete) must have a minimum of thirty-two (32) awarded course units on transcript with a minimum of six (6) awarded course units being for work completed in the most recently completed two full-time semesters (including summer sessions). A minimum of four and one half (4.5) of these six course units must be from academic course work completed in the prior two full-time semesters (not including summer) with the additional one and one half (1.5) course units coming from academic work completed in the prior two full-time semesters and/or summer sessions (including course units awarded for transfer credit), all of which must be displayed on the student's transcript at the time of the eligibility evaluation.

**This means if you are a 5th year student, to be academically eligible you must:**

- Be a full-time student (unless you satisfy the criterion for a NCAA exception), and
- Be in a degree program (have an approved major, if applicable), and
- Have an official academic worksheet, and
- Have completed 80% of the requirements for your specific Penn degree, and
- Have a GPA of a minimum of 2.00, and
- Have a minimum of 32 course units (on transcript at time of eligibility review),
  - A minimum of 6 course units awarded must be for academic work completed in the prior two full-time semesters and/or previous summer), and
  - A minimum of 4.5 course units awarded, must be for academic work completed in the prior two full-time semesters (excluding summer), and
  - A minimum of 1.5 course units must be for academic work completed in the previous full-time semester (excluding summer),

New transfer students (matriculating at Penn for first time), to be academically eligible you must:

- Be a full-time student, and
- Be in a degree program (have an approved major, if applicable), and
- Have an official academic worksheet, and
- Have completed 80% of the requirements for your Penn degree
  - Thus, you will be required to have a sufficient number of awarded Penn and/or transfer course units on your transcript at the time of the eligibility review to satisfy the 80% percentage of degree requirement.

**Provisional Eligibility –After eight full-time semesters.**

If by the beginning of the ninth full-time semester a student-athlete satisfies all of the above requirements except for having thirty-two (32) course units awarded, the student-athlete may be considered for provisional eligibility provided a graduation audit has been completed.

- Minimum cumulative GPA for provisional eligibility consideration is 2.00.
- Minimum total number of awarded course unit credit is 30 CUs.

Provisional eligibility, if approved shall be for one semester only but may be extended for a second semester upon recommendation from the school eligibility officer.

To be considered for provisional eligibility a student-athlete shall meet with the school eligibility officer to discuss the academic deficiency and to develop an Academic Enhancement Plan (AEP) which shall record the plan for academic improvement and agreed upon conditions of provisional eligibility between the student-athlete and the school. The student-athlete shall then review the AEP with the Assistant Director of Athletics for Academic Services who may add additional stipulations. Following these two meetings, the student-athlete shall acquire signatures (in sequence) endorsing the AEP from the sport's head coach and DRIA compliance coordinator.

(Source: Almanac, Vol. 52, No. 5, September 27, 2005 ([http://www.upenn.edu/almanac/volumes/v52/n05/uc\\_recrea.html](http://www.upenn.edu/almanac/volumes/v52/n05/uc_recrea.html)))

# ACADEMIC RULES FOR PHD PROGRAMS

The Doctor of Philosophy degree is conferred in recognition of marked ability and high attainment in a specific branch of learning. The Ph.D. degree is granted by the Trustees of the University of Pennsylvania upon the approval of the Graduate Council of the Faculties and upon satisfaction of all degree requirements, including acceptance of the dissertation by the student's dissertation committee. Students may enroll in more than one academic Ph.D. program with prior permission of both Schools/programs; only one Ph.D. is earned.

The University's standards, set forth below, are to be viewed as minimum requirements. The School or the Graduate Group has the right to establish additional requirements and to refuse to examine any student who is not qualified according to its standards. If there are additional program or School requirements, that information must be communicated and available to all students.

## I. Academic Requirements

### a. Curriculum

Graduate Groups determine the curricular requirements for their programs. The course of study can include a combination of specific required courses, electives, teaching, independent study or laboratory rotations, colloquia, and demonstration through examination of comprehensive knowledge in the major field.

A student who enters the Ph.D. program with a bachelors degree will be expected to spend two to three years taking 3-4 course units a semester before satisfying the Graduate Group's academic requirements, passing the required examinations and being advanced to candidacy. Graduate Groups may require more extensive preparation through additional work, especially those programs with substantial language requirements.

Students in some programs, such as those in science fields, may begin dissertation-related research before advancing to candidacy. Students who enter with a master's degree or other transfer credit may satisfy the formal course requirements more quickly. Graduate Groups have flexibility to establish the optimal timetable and requirements for their own students and to respond to the specific academic needs of individual students.

The customary maximum load for a Ph.D. student is four course units each semester; exceptions for a fifth course unit may be made in extraordinary cases upon approval of the graduate dean.

Graduate Groups may establish examination requirements in addition to the University's standards described below.

### i. Transfer Credit

Credit may be transferred toward the Ph.D. from a master's degree or other work completed in a post-baccalaureate degree program, upon recommendation by the Graduate Group Chair and approval of the graduate dean, reducing full tuition registration by up to two years. No work done as an undergraduate, whether at this institution or at any other, will be counted toward a Ph.D., A.M., or M.S., with the following exception: graduate courses completed by undergraduates as submatriculants in a Graduate Group may be counted toward graduate degree requirements.

### ii. Auditors

Students who desire to attend a course without performing the work of the course must first secure the consent of the instructor. They must register in order for the audited course to appear on the transcript; no credit will be received for the audited course. A teaching fellow registered for three course units may register as auditor for one additional course with permission of the Graduate Group Chair.

A student may request that the School graduate office change their status in a course to auditor, provided that the request is endorsed by the chairperson of their Graduate Group and the instructor giving the course, and is submitted to the School graduate office no later than the end of the second week of the term.

### b. Evaluations and Examinations

A Qualifications Evaluation of each student is required to be conducted in the first two years. The evaluation is designed by the Graduate Group and may be based on an examination or on a review of a student's overall academic progress. Satisfaction of this requirement is necessary in order to continue in the graduate program and is recorded in the student's academic record. The student and the School's graduate office must be notified of the outcome of the evaluation.

A Candidacy Examination on the major subject area is required. This examination is normally held after the candidate has completed all required courses and may be satisfied by the successful defense of a dissertation proposal. It may be oral, written, or both, at the discretion of the Graduate Group. Feedback will be provided to the student within one month. Satisfactory completion of the Candidacy Examination requirement is recorded in the student's academic record. Upon successful completion of the Candidacy Examination, the student is advanced to candidacy. Normally, a student should advance to candidacy by the end of the third year. The maximum time limit for a student to be advanced to candidacy is five years, after which time the student will be dropped from the program.

### c. Graduate Grades and Academic Standing

The grading system is as follows:

- A, excellent
- B, good
- C, fair
- D, poor but passing; and
- F, failure

At the graduate level, the grade of C, while passing, does not constitute satisfactory performance. Letter grades may be modified by a plus (+) or minus (-) sign at the discretion of the School. The minimum standard for satisfactory work for the Graduate Faculties is a B average in each academic year, but the Graduate Group may set additional requirements that determine advancement; these requirements may require a student to withdraw despite a satisfactory grade average, if the quality of the student's work is not at a level that predicts successful dissertation research.

The mark of S is used to indicate "satisfactory progress." The mark of U is used to indicate "unsatisfactory progress." The mark of I is used to designate "incomplete." Students who fail to complete a course and do not withdraw or change their status to auditor within the prescribed period shall receive at the instructor's discretion either a grade of I (incomplete) or F (failure). It is expected, in general, that a student shall

complete the work of a course during the term in which that course is taken. The instructor may permit an extension of time up to one year for the completion of the course. In such cases, any course which is still incomplete after one calendar year from its official ending must remain as “incomplete” on the student’s record and shall not be credited toward a degree.

## **d. Dissertation**

All PhD students are required to write and deposit a dissertation consisting of original research.

### **i. Format and Content of the Dissertation**

The dissertation is, essentially, a manuscript. In some fields, the dissertation may consist of articles published by the student during the course of the Ph.D. program, accompanied by a narrative explaining the context and significance of the collected works. Essential supplementary mixed media files, such as photographs, audio recordings, musical compositions, and film may be submitted to augment the written text. Dissertations based on joint work with other researchers are allowed, provided that, in such cases, a unique and separate dissertation is presented by each degree candidate. The candidate must include a concise account of their contribution to the whole work. Authorship of an entire dissertation by more than one degree candidate is not allowed.

### **ii. Dissertation Committee Composition & Meetings**

Upon advancement to candidacy, each student has a dissertation committee consisting of at least three faculty members (including at least two members of the Graduate Group). At least half of the members of the dissertation committee must be members of the Graduate Group at the time of appointment to the committee. Faculty who are not members of the Graduate Group may serve as committee members only with the written approval of the Graduate Group. The authority to approve membership on committees may be delegated to the Graduate Group Chair. A Graduate Group may establish additional requirements, such as a requirement for outside reviewers on the dissertation committee.

The Chair of the Dissertation Committee must be a member of the Standing Faculty in the Graduate Group. If the Chair of a Dissertation Committee leaves the Standing Faculty before the dissertation is completed, then a new person from the Standing Faculty in the Graduate Group must be appointed as Chair. The Dissertation Committee Chair is responsible for convening committee meetings, advising the student on Graduate Group and University expectations, and assuring the Graduate Group Chair that the group’s requirements have been met.

The Dissertation Supervisor is the person primarily responsible for overseeing the student’s dissertation research. A student may have both a Dissertation Supervisor and a Dissertation Co-Supervisor, or two Dissertation Co-Supervisors, if that responsibility is shared equally. The student and Dissertation Supervisor meet regularly (at least twice a year and, in many cases, much more frequently) to establish expectations and review the progress of the student’s research. The Dissertation Supervisor may serve as Chair of the Dissertation Committee, but is not required to do so.

Dissertation Supervisors, and Dissertation Co-Supervisors, must be members of the Standing Faculty at Penn, with special approved exceptions. A member of the Associated Faculty (such as Research Faculty or Adjunct Faculty) or a member of the Emeritus Faculty may be permitted to serve as a Dissertation Supervisor with prior approval of the Vice Provost for Education on a case by case basis. The Graduate Group Chair must petition the Vice Provost for Education, in advance, for

an exception. In such cases, the Dissertation Supervisor is not permitted to serve as the Chair of the Dissertation Committee and a member of the Standing Faculty in the Graduate Group must be appointed as the Dissertation Committee Chair.

The dissertation committee meets at least once annually with the student to review the student’s progress. The student prepares an Annual Dissertation Progress Report and the committee gives timely feedback (within one month) and confirms whether progress is satisfactory. A copy of the signed progress report is submitted to the Dissertation Supervisor and Graduate Group Chair and is documented by the School in the student’s academic record. The committee feedback contributes to the determination of a mark of S (satisfactory progress) or U (unsatisfactory progress) to the student’s dissertation status course (see section I.d.iii.).

Students and Graduate Groups are encouraged to review Guidelines for Advising & Mentoring PhD Students (<https://catalog.upenn.edu/graduate/academic-resources/advising-mentoring/>).

### **iii. Dissertation Status**

All students on dissertation status are registered for year-long dissertation status courses. These courses will receive a temporary mark of PR in the fall to indicate the course is in progress and a permanent mark of S (satisfactory progress) or U (unsatisfactory) at the end of the spring semester (or fall semester if that is the student’s last enrolled term). The mark will be a reflection of the evaluation by the Graduate Group of the student’s progress based, in part, on the student’s Annual Progress Report.

### **iv. Public Presentation & Defense**

A public, oral presentation of the dissertation is required. The presentation may take the form of a workshop based on a complete draft of the dissertation, or it may be based on the final version of the dissertation, depending on the rules of the Graduate Group. In either case, the presentation must either include or be followed by an oral examination (defense). This examination may be private if specified by the rules of the Graduate Group.

At least three members of the dissertation committee must participate in the defense. Defenses may be conducted in-person, virtually via video conferencing (e.g., Zoom, Skype, Microsoft Teams), or in a hybrid format with some individuals participating remotely and some in-person.

### **v. Acceptance of the Dissertation**

By the prescribed deadline on the Graduation Calendar (<https://provost.upenn.edu/graduate-degree-calendar/>), the Graduate Group shall report to the Office of the Provost the acceptance of the dissertation and its suitability for publication. The report shall include the date of the oral presentation or the date of the meeting of the dissertation committee, the names and roles of the dissertation committee members, and whether they individually approve the dissertation. The student and the Dissertation Supervisor will also have access to a copy of the report.

### **vi. Publication & Submission**

Dissertations must follow the format prescribed in the Dissertation Formatting Guide. Candidates also should familiarize themselves with any special requirements imposed by the Graduate Groups under which they are working.

All Penn Ph.D. dissertations are submitted electronically as of Spring 2020; hardcopies are not required. Since Fall 2015, Penn

requires open access publication of dissertations in the institutional repository, ScholarlyCommons (<https://repository.upenn.edu/>). All Ph.D. dissertations must be submitted in digital format through ProQuest's ETD Administrator module.

Students should discuss with their advisor whether a delay in publication (embargo) is necessary or advisable. Students may apply for delay in publication by ProQuest and in ScholarlyCommons (<https://repository.upenn.edu/>) separately; the maximum allowed embargo period in ScholarlyCommons (<https://repository.upenn.edu/>) is a total of nine years from the graduation date. An initial three-year embargo period in ScholarlyCommons (<https://repository.upenn.edu/>) is approved automatically. A request for a delay of an additional three years requires approval by the Graduate Group Chair. In the event that a further delay is needed, the approval of the Graduate Group Chair and the School's Graduate Dean is required.

#### vii. Dissertation Copyright & Patent Policies

A dissertation submitted as part of the requirements for a degree is the property of the University. Any copyrights or patent rights arising therefrom shall be governed by the policies of the University of Pennsylvania, including the Patent and Tangible Research Property Policies and Procedures and the Policy Relating to Copyrights and Commitment of Effort for Faculty. Information about securing copyright for a dissertation and using copyrighted or previously published materials in a dissertation is available online (<https://provost.upenn.edu/dissertation-copyright/>).

## II. Time Limits

As of 2010-2011, the University's maximum time limit for completion of a PhD program is ten years after matriculation; some Graduate Groups and Schools have established more stringent criteria. Graduate students who have been dropped after ten years may petition the Graduate Group to return as a student for a maximum of one year in order to achieve recertification and defend the dissertation. (See sections below on Petition for Readmission and Recertification.)

Combined degree students (e.g., M.D.-Ph.D.s) typically enroll full-time in the professional program during the first two years of study and do not begin full time Ph.D. course work until the third year; for these students, the ten-year time limit begins at the start of full-time Ph.D. study.

### a. Petition for Readmission After Reaching the Maximum Time To Degree

A student who has been dropped after reaching the maximum time limit may petition the Graduate Group to return as a student for a maximum of one further year in order to achieve recertification and complete and defend the dissertation. Faculty members have no obligation to continue working with a student who has been dropped, nor is there any presumption that a Graduate Group will respond favorably to a petition for re-admission. If a Graduate Group wishes to recommend re-admission, it must present to the Graduate Dean a list of faculty members willing to serve as a dissertation committee and a detailed, realistic plan of how the student will, within one year of reenrollment, achieve recertification, pass the Candidacy Examination, and submit the final copy of the dissertation. If re-admission is approved by the Graduate Dean, the student must pay Reduced Tuition for two semesters, unless all requirements are completed within one semester. Students may petition for readmission at the time they are dropped from the program, or at a later date. The student should be fully ready and committed to completing within a one-year timeframe; enrollment will not be extended beyond that final

year, and no further petition for readmission will be considered by the University.

### b. Re-certification

If the Graduate Group and Graduate Dean approve the petition for readmission, the student must immediately be recertified. In order to ensure that a student's dissertation research remains at the frontier of current research in the field, the student must retake and pass the Candidacy Examination, or satisfy alternative recertification criteria designed by their Graduate Group and approved by the Graduate Council of the Faculties. The new deadline for completion of all requirements for the Ph.D., including recertification, shall be within one year.

#### i. Approved Individual Graduate Group Re-certification Policies

The following policies have been approved by the Graduate Council of the Faculties and supplement the University's Recertification Policy.

#### Anthropology (Revised July 2010)

Students who have not completed the dissertation within the University's maximum time limit may apply for readmission, but must then complete all requirements for the Ph.D., including deposit of the dissertation, within one year. In order to reapply, the student should have a complete draft of their dissertation that has been approved by their advisor. At that point, the student should meet with the Graduate Group Chair, who will then bring the student's case before the Graduate Group for a vote. Should the vote support the student's readmission, the Graduate Group Chair will present the case to the Graduate Dean, outlining the student's outstanding requirements and a timetable for completing them. In some cases, the student may be asked to repeat the Candidacy Examination in order to demonstrate a satisfactory grasp of current scholarship in the field. The Graduate Dean then reviews the case, and if it is approved, writes a letter formally spelling out the arrangements, and the tuition and fees that the student will be expected to pay

#### Communication (Revised June 2010)

Students who have not completed all requirements for the Ph.D., including the deposit of the dissertation, within ten years of matriculating must submit all written work they have completed on their dissertation to a committee comprised of a minimum of three members of the Communications standing faculty. This committee may be the student's dissertation committee or, if that committee is not intact, an Ad Hoc committee appointed by the Committee on Graduate Studies. The committee members will evaluate this material (they may, at their discretion, meet with the student), and take one of the following actions:

1. require the student to retake all or part of the Comprehensive Examination (if the committee believes there is a question about the continued currency of the student's research);
2. impose other conditions such as the committee believes will ensure the currency and timely completion of the student's work toward the Ph.D.;
3. recommend to the Committee on Graduate Studies that the student be disqualified from continued doctoral candidacy (if the committee believes the written work provides insufficient evidence of progress toward the completion of an adequate doctoral dissertation).

In the case of (1) or (2), above, the committee will report its decisions and actions to the Committee on Graduate Studies. Upon satisfactory recertification, the student must complete all requirements for the Ph.D., including deposit of the dissertation, within one year.

### Comparative Literature (Revised July 2010)

Students who have not completed all requirements for the Ph.D., including the deposit of the dissertation, within the University's maximum time limit must retake the dissertation prospectus exam (also known as the "final exam"). This exam will involve submitting an updated version of the prospectus to the student's committee; the committee must approve the new prospectus in order for the student to satisfy the recertification requirement. Upon satisfactory re-certification, the student must complete all requirements for the Ph.D., including deposit of the dissertation, within one year.

### Economics (Revised July 2010)

Students who have not completed all requirements for the Ph.D., including the deposit of the dissertation, within the University's maximum time limit retake the Dissertation Proposal Defense Exam; and write and submit a review of the most recent literature on the dissertation topic, to be formally approved by the dissertation committee (which also conducts the proposal defense). Upon satisfactory re-certification, the student must complete all requirements for the Ph.D., including deposit of the dissertation, within one year.

### Education (Revised July 2010)

Ph.D. students in the Graduate Group in Education who have not completed all their degree requirements within the University's maximum time limit must submit a progress report and plan to their dissertation committee. The purpose of this report/plan is:

- to document which degree requirements the student has completed;
- to provide a rationale for why they have been unable to complete all the requirements within the time limit and to provide a timeline/schedule of steps for completion of the remaining requirements within a one-year extension.

The student's chair and a majority of their dissertation committee must review and approve the progress report and plan. The student must then submit the progress report and plan to the Committee on Degrees for their review and approval. The student must re-take a preliminary exam that documents familiarity with the current status of their field.

### Hispanic Studies (Revised October 2017)

Students who have not completed all requirements for the Ph.D., including the deposit of the dissertation, within the University's maximum time limit must 1) submit an updated version of the prospectus and 2) submit a review of the most recent literature on the dissertation topic. The student's committee must approve the new prospectus and review of literature in order for the student to satisfy the recertification requirement. Upon satisfactory re-certification, the student must complete all requirements for the Ph.D., including deposit of the dissertation, within one year.

### Linguistics (Revised July 2010)

A student can be re-certified by submitting a revised dissertation proposal reflecting current scholarship on the topic and then undergoing a new dissertation proposal defense, following the usual procedures for the Graduate Group. Upon satisfactory re-certification, the student must complete all requirements for the Ph.D., including deposit of the dissertation, within one year or less as determined by the Graduate Group.

### Near Eastern Languages and Civilizations (Revised October 2010)

For Near Eastern Languages and Civilizations, students who apply to be re-enrolled in the Ph.D. program must pass a recertification examination demonstrating satisfactory grasp of current scholarship in their field.

The Graduate Group Chair and the dissertation committee will constitute the recertification committee for this purpose. After an initial oral examination, the committee may, at its discretion, require that the student retake the Candidacy Examination and/or submit a revised dissertation proposal prior to recertification. Upon satisfactory re-certification, the student must complete all requirements for the Ph.D., including deposit of the dissertation, within one year.

### Political Science (July 2010)

All students who have not completed all requirements for the Ph.D. (including deposit of the dissertation) within the University's maximum time limit must submit to their full dissertation committee (i.e., the supervisor and two readers) a copy of all written work they have completed on their dissertation. The committee members will evaluate this material, and report to the whole group, recommending that one of the following actions be taken: (1) The student is required to retake the qualifying examination (if the committee believes there is a question about the continued currency of the student's research); or (2) The student is disqualified from continued doctoral candidacy (if the committee believes the written work provides insufficient evidence of progress toward the completion of an adequate doctoral dissertation). Other conditions are imposed on the student's dissertation research, such as the committee believes will ensure the currency and timely completion of the student's work toward the Ph.D. within one year of recertification.

### Social Welfare (Revised July 2010)

Ph.D. students who have not completed all their degree requirements within the University's maximum time limit may apply for recertification. The standards for granting an extension are:

- There is a full committee working with a student on a dissertation;
- the student's dissertation work represents an extension of preliminary degree work and is conducted in constant consultation with the Dissertation Chair and committee;
- a plan for completion within one year is realistic, particularly in relation to the student's prior diligence in completing work;
- the Dissertation Committee Chair supports the student's plan for completion of the dissertation.

An application for an extension consists of the following steps: The student meets with the Dissertation Chair about an extension and the Chair calls a meeting of the full dissertation committee. The dissertation committee hears a student presentation detailing work thus far on the dissertation and a plan for completion within one year. In addition to fielding questions about the dissertation work and the feasibility of the completion plan, the student may also be orally examined on the broader social welfare context of the dissertation work, to demonstrate currency in the field. The presentation is given in a closed meeting to dissertation committee members and steering committee members. The dissertation committee makes a recommendation to the doctoral program director on whether or not the student should be re-certified.

Upon receiving the recommendation of the dissertation committee, the doctoral program director makes the final decision about whether or not the extension is granted. The doctoral program director will inform the student of a decision. Decisions to re-certify will be relayed to the University administration by the program director.

## III. Tuition

Beginning in fall 2008, Ph.D. students will be charged full tuition until they have completed five years of full-time study or the equivalent of approximately 30 course units. The time may be as brief as three years if

a student enters with credits from a post-baccalaureate degree program or successfully completes the Ph.D. in fewer than five years.

If the student has not earned the Ph.D. degree by the end of five years, the student will be charged reduced tuition until the degree is awarded, or for a maximum of five additional years. Continuous enrollment is required through year ten (or until graduation), with an exception for approved leave. After a maximum of five years at reduced tuition, the student ceases to be enrolled. With permission and re-certification from the Graduate Group, a student may re-enroll for a final year in order to defend and deposit the dissertation. Such a student must pay reduced rate tuition for a final two semesters, unless all requirements are completed within one semester.

A student engaged in research overseas may be registered for Dissertation Abroad. Full tuition is charged to students in years 1-5, reduced tuition to students in years 6-10; a reduced general fee is charged for students on Dissertation Research Abroad regardless of their year.

## IV. Continuous Registration/Leaves of Absence

Continuous registration as a graduate student is required unless a formal leave of absence (<http://catalog.upenn.edu/pennbook/phdstudentleaveofabsence/>) is granted by the Graduate Dean of the student's School; see the PhD Student Leave of Absence Policy (<https://catalog.upenn.edu/pennbook/phdstudentleaveofabsence/>). A leave of absence will be granted for military duty, medical reasons, or family leave; this leave is typically for up to one year and "stops the clock" on time to completion. Personal leave for other reasons may be granted for up to one year with the approval of the Graduate Dean, but it does not automatically change the time limit. Leave should not be granted for the purpose of evading tuition charges. Additional requirements for return may be imposed by the Graduate Dean. No language or other degree examinations may be taken while a student is on leave of absence. A student without an approved leave of absence who fails to register each semester will be considered to have withdrawn from candidacy for the degree; approval by the Graduate Dean and recertification are required for reinstatement.

Dissertation registration takes place in the fall and spring semesters. Dissertation students who are candidates for August degree remain full-time students through August 31st without summer registration.

## V. Change of a Graduate Group

A student who wishes to change their Graduate Group must submit an application for admission to the new Graduate Group.

## VI. Research Abroad

A student who will conduct dissertation research abroad for the semester registers for Dissertation Research Abroad status. Full tuition is charged to students in years 1-5, reduced tuition to students in years 6-10; a reduced general fee is charged for students on Dissertation Research Abroad regardless of their year.

## VII. Extramural Research

If graduate credit is sought for research work pursued at laboratories not officially a part of the University of Pennsylvania (for example, where the investigator is not a member of the Graduate Group), the student must obtain prior permission from the Graduate Group Chair. University policies

regarding intellectual property apply in the case of research conducted in extramural settings.

## VIII. Institutional Courtesy/Exchange Programs

The Exchange Scholar Program allows University of Pennsylvania Ph.D. students to apply to study for a semester or academic year at one of ten other participating institutions:

- Brown University,
- Columbia University,
- Cornell University,
- Harvard University,
- Massachusetts Institute of Technology,
- Princeton University,
- Stanford University,
- University of California-Berkeley,
- University of Chicago, and
- Yale University.

Through cooperative arrangements with Bryn Mawr College, Haverford College, and Swarthmore College, University of Pennsylvania students may, upon presentation of the proper credentials and with the permission of the instructor concerned, enroll for courses in these institutions. The University of Pennsylvania will accept toward a master's or Ph.D. degree up to the equivalent of three course units for work completed under this arrangement.

Through a cooperative arrangement between The Annenberg School for Communication and Johns Hopkins University, students selected as exchange scholars from the Annenberg School for Communication may count up to one academic year of study at John Hopkins (taken while registered at Penn), subject to the approval of the Graduate Group, toward the Ph.D. degree at the University of Pennsylvania.

Ph.D. and research master's students enrolled in Anthropology or History of Art may, upon approval of their Graduate Group and the instructor, enroll for a maximum of two courses in the Department of Art Conservation at the University of Delaware. The University of Pennsylvania will accept credits completed under this agreement for a master's or Ph.D. degree.

Ph.D. students enrolled in Ancient History, Classical Studies, Religious Studies, Germanic Languages, and History may, upon approval of their Graduate Group and the instructor at the host institution, enroll for a maximum of four courses for graduate credit at the Lutheran Theological Seminary at Philadelphia.

Ph.D. students enrolled for at least one full academic year in the Graduate Groups in Ancient History, Classical Studies, Art and Archaeology of the Mediterranean World, History of Art, Religious Studies, Germanic Languages, Political Science, or History may, subject to the approval of their Graduate Group and the instructor, enroll for a maximum of four courses at the Jewish Theological Seminary.

Each year, up to two English Ph.D. students (one in film and one in poetics) may, upon approval of the Graduate Group and the instructor at the host institution, take one course each offered by Temple University's Department of Film and Media Arts and in English.

Under the terms of the Ph.D. Student Exchange Program with Rutgers University, Ph.D. students in all fields may take up to four courses at Rutgers University upon approval of their Graduate Group chair.

Details regarding the institutional exchange agreements are available from the Office of the Vice Provost for Education.

## **IX. Regarding Tutoring Students for Compensation**

Many PhD programs have an academic requirement that students teach for one or more semesters. Teaching assistantships and teaching fellowships are done under the supervision of the faculty instructor. The Center for Teaching and Learning is a valuable resource for all graduate students interested in improving their professionalism as teachers – even those who do not have the opportunity to serve as a TA.

A Teaching Assistant (or Teaching Fellow) shall not be allowed to tutor for compensation any student that they are grading or have influence in assessing.

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(Source: Almanac, July 5, 2022 (<https://almanac.upenn.edu/articles/of-record-academic-rules-for-phd-programs/>))

# ACADEMIC RULES FOR RESEARCH MASTER'S PROGRAMS

Effective July 1, 2024

The Research Master's degree is granted by the Trustees of the University of Pennsylvania upon the approval of the Graduate Council of the Faculties and upon satisfaction of all degree requirements.

The University's standards, set forth below, are to be viewed as minimum requirements. The School or the Graduate Group has the right to establish additional requirements for Research Master's degrees and to refuse to examine any student who is not qualified according to its standards. If there are additional program or School requirements, that information must be communicated and available to all students.

The University awards the following Research Master's degrees:

M.A. – Master of Arts

M.S. – Master of Science

All other Master's degrees are considered professional programs and are granted by the individual Schools.

## I. Academic Requirements

The Research Master's degree represents the successful completion of at least a full academic year (two terms) of graduate work including some training in research.

### a. Course Requirements

A minimum of eight course units is required for the Research Master's degree. Additional work may be prescribed by the Graduate Group. Courses must be level 5000 or above, unless otherwise approved by the Graduate Group.

Any student registered for four course units in a single term may register as an auditor for one additional course with the permission of the Graduate Dean. No more than four course units in any one term may be counted toward the minimum requirement of eight course units. No course may be counted toward degree requirements of more than two degrees at the University.

A prospective candidate for a Research Master's degree must complete at least four course units in the field of the major.

### b. Transfer of Credit

Some Graduate Groups may allow for courses to be transferred from an approved program at another institution. No work done as an undergraduate, whether at this institution or at any other, will be counted toward a Ph.D., M.A., or M.S., with the following exception: graduate courses completed by undergraduates as submatriculants in a Graduate Group may be counted toward graduate degree requirements.

### c. Research Requirement/Scholarly Paper/Thesis

All Research Master's students are required to complete a research requirement. This research requirement consists of 2 parts: 1) completing a research course or engaging in research supervised by the Graduate

Group, and 2) preparing a thesis or comprehensive scholarly report in the student's major field of study.

A thesis or comprehensive scholarly report based on joint work with other researchers is allowed, provided that, in such cases, a unique and separate document is presented by each degree candidate. The candidate must include a concise account of their contribution to the whole work. Authorship of a master's thesis or comprehensive scholarly report by more than one degree candidate is not allowed.

If a thesis is required, it must follow the format prescribed in the Master's Thesis Formatting Guide (<https://provost.upenn.edu/sites/default/files/users/user125/Research%20Masters%20Formatting%20Guide%20Final.pdf>). Students also should familiarize themselves with any special requirements of the Graduate Groups under which they are studying.

Some Graduate Groups require thesis deposit with the University; see Research Master's Thesis Deposit (<https://provost.upenn.edu/dissertation-deposit/>) for an up-to-date list. Theses are submitted electronically as of Spring 2020; hard copies are not required.

All Research Master's students who have completed their coursework and are solely on Master's thesis status are registered for thesis status courses. These courses will receive a mark of S (satisfactory progress) or U (unsatisfactory) at the end of each semester. The mark will be a reflection of the evaluation by the Graduate Group of the student's progress.

### d. General Examination

A general examination by the Graduate Group in the major subject is required in addition to all other examinations. The purpose of this examination is to test the student's knowledge of their major subject in its broader aspects and proficiency in the particular courses the student has taken. This examination may be oral, written, or both, at the discretion of the Graduate Group. The mere satisfaction of minimum requirements does not entitle the student to be admitted to this examination.

The Graduate Group may substitute other assessment procedures for the general examination as a means of assuring that Master's students have broad knowledge of the field. Completion of this requirement – whether by general examination or other assessment procedures – must be documented by the Graduate Group for each Research Master's student.

### e. Graduate Grades and Academic Standing

The grading system is as follows:

- A, excellent
- B, good
- C, fair
- D, poor but passing; and
- F, failure

At the graduate level, the grade of C, while passing, does not constitute satisfactory performance. Letter grades may be modified by a plus (+) or minus (-) sign at the discretion of the School. The minimum standard for satisfactory work for the Graduate Council of the Faculties is a B average in each academic year, but the Graduate Group may set additional requirements that determine advancement; these standards may require a student to withdraw despite a satisfactory grade average, if the quality of the student's work is not at a level that predicts successful Master's research.

The mark of S is used to indicate “satisfactory progress.” The mark of U is used to indicate “unsatisfactory progress.” The mark of I is used to designate “incomplete.” Students who fail to complete a course and do not withdraw or change their status to auditor within the prescribed period shall receive, at the instructor’s discretion, a grade of I (incomplete) or F (failure). It is expected, in general, that a student shall complete the work of a course during the term in which that course is taken. The instructor may permit an extension of time up to one year for the completion of the course. In such cases, any course which is still incomplete after one calendar year from its official ending will become a permanent incomplete on the student’s record and shall not be credited toward a degree.

## II. Registration

Registration takes place in the fall and spring semesters. A minimum of 1 course unit must be completed each semester for a Research Master’s student to remain enrolled making progress, unless the student is on an approved leave of absence. Research Master’s students who are candidates for an August degree remain full-time students through August 31st without summer registration.

## III. Leaves of Absence

A student who wishes to take a leave of absence must submit a written request to their Graduate Group Chair for initial approval and then to the appropriate Graduate Dean for final approval.

## IV. Enrolled Ph.D. Students earning a Research Master's Degree

The University allows currently enrolled Ph.D. students to earn a Research Master’s degree en route (“in passing”) to the Ph.D. in certain circumstances. The particular Research Master’s degree available (M.A. or M.S.) depends on the Graduate Group, and it is within the Graduate Group’s discretion to determine whether this option is available to its Ph.D. students. The student must apply to graduate with the Research Master’s degree after completing the minimum Research Master’s requirements; the degree is not automatically awarded. Ph.D. students who also earn a Research Master’s degree must complete all requirements for the Research Master’s degree, including the Research Requirement and General Examination, in addition to all requirements for the Ph.D. This option is only available to currently enrolled students, not retroactively.

Ph.D. students who are considering withdrawing from the Ph.D. program and wish to earn a Research Master’s degree instead must complete all requirements for the Research Master’s degree, apply to graduate, and be awarded the Research Master’s degree before they withdraw from the University.

(Source: Almanac, July 16, 2024 (<https://almanac.upenn.edu/#of-record-academic-rules-for-research-masters-programs>))

# ALCOHOL AND OTHER DRUG POLICY

## I. Introduction

The University Alcohol and Other Drug Policy, like other standards of conduct applicable to the University community, is intended to further the educational mission of the University of Pennsylvania. The University is committed to fostering an environment that promotes the acquisition of knowledge and nurtures the growth of the individual. Each member of our intellectual community is responsible for his or her own actions and is expected to contribute to the Penn community and to respect the rights of others to participate in the academic and social life of the University. The following Alcohol and Other Drug Policy, with its emphasis on individual and shared responsibility, healthy and informed decision-making, maintaining a caring environment, and the promotion of genuine dialogue, is adopted in this spirit. Students, staff and faculty may be subject to additional requirements and procedures set forth by their respective schools or departments, and which may be stated in handbooks generated by those entities.

## II. Standards of Conduct

### Drugs [See Summary of Controlled Substance Statutes in Appendix]

The University of Pennsylvania prohibits the unlawful manufacture, distribution, dispensation, sale, possession or use of any drug by any of its students, employees in its workplace, on its premises or as part of any of its activities. This includes the unlawful sale, distribution, dispensation, possession, or use of any prescription drug. Use or possession of marijuana is prohibited on University premises, per federal law, which supersedes Pennsylvania laws governing the use and possession of marijuana and marijuana products on university campuses. This policy is intended to supplement and not limit the provisions of the University's Drug-Free Workplace policy (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/performance-and-discipline/drug-free-workplace/>).

### Alcohol [See Summary of Alcohol Statutes in Appendix]

#### A. General Rules Governing the Use of Alcohol

The University of Pennsylvania seeks to encourage and sustain an academic environment that respects individual freedom and promotes the health, safety and welfare of all members of its community. In keeping with these objectives, the University has established the following policy governing the possession, sale and consumption of alcoholic beverages by members of the University community, and conforming to the laws of the Commonwealth of Pennsylvania. Penn's alcohol policy and programs are intended to encourage its members to make responsible decisions about the use of alcoholic beverages, and to promote safe, legal, and healthy patterns of social interaction.

#### 1. The University of Pennsylvania prohibits:

a. The possession and/or consumption of alcoholic beverages by persons under the age of twenty-one on property owned or controlled by the University or as part of any University event or meeting organized by a University department, organization or group.

b. The intentional and knowing selling, or intentional and knowing furnishing (as defined by Pennsylvania law) of alcoholic beverages to persons under the age of twenty-one or to persons obviously inebriated on property owned or controlled by the University or as part of any University event or meeting organized by a University department, organization or group. Pennsylvania law currently defines "furnish" as "to supply, give, or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged."

c. The consumption of alcoholic beverages by all University students and employees so as to adversely affect academic or job performance and/or endanger the physical well-being of other persons and/or oneself, and/or which leads to damage of property.

d. The possession, sale, distribution, promotion, or consumption of an alcoholic beverage in a manner that constitutes a violation of federal, state or local law, including the sale, directly or indirectly, of any alcoholic beverages at a premises or by an entity not licensed for such sales on property owned or controlled by the University or as part of any University event or meeting organized by a University department, organization or group.

e. When an entity without a liquor license is providing service of alcohol, the following is prohibited per Pennsylvania law:

- Sales of alcoholic beverages at a cash bar
- Sales of tickets or entrance fees to an event where alcohol is served
- Donations or reimbursements to support the cost of an event where alcohol is served
- Sales of drink tickets or inclusion of drink tickets in entry fees at events where alcohol is served

2. The University of Pennsylvania permits the lawful keeping and consumption, in moderation, of alcoholic beverages on its property or property under its control by persons of legal drinking age (21 years or older).

3. In cases of intoxication and/or alcohol poisoning, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance for themselves or for a friend/acquaintance who is dangerously intoxicated. No student seeking medical treatment for an alcohol or other drug-related overdose will be subject to University discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to another student seeking help for the intoxicated student.

4. Vice Provosts, Vice Presidents, Deans, and heads of administrative and residential units have the authority and responsibility to govern the use of alcohol in areas they control, both indoors and out, and to approve or disapprove of plans designed to ensure that (at events where alcohol will be served in such areas) only legal age individuals will have access to such alcohol. Further, those hosting such events must take reasonable steps to ensure that the acquisition, distribution and consumption of alcohol otherwise complies with applicable law and University policy.

5. At any event at which alcohol will be served, sufficient quantities of non-alcoholic beverages and food must also be available to guests without cost.

6. Consistent with Pennsylvania law, advertisements of social events shall not promote nor describe the availability of alcoholic beverages;

nor shall such advertisements promote the consumption of alcohol by minors.

7. Ordinarily, consumption of alcoholic beverages in outdoor public areas such as walkways, building steps and porches, unenclosed patios, green spaces, and the like is not permitted regardless of the age of the drinker. However, appropriate administrators and University of Pennsylvania Police (UPPD) may grant exceptions to this guideline on an event-by-event basis. Exceptions will be granted only for those events where an overwhelming majority of those reasonably expected to attend an event are of legal drinking age. Events for which exceptions have been granted must be limited to areas that are clearly demarcated and in which it is possible to exercise adequate control of access to and consumption of alcohol. Event hosts must ensure that barriers and other alterations to the outdoor venue which are required by the UPPD and/or the manager of the venue are in place.

8. Kegs of any amount of beer are not permitted at student-run events and are not allowed in any University-managed undergraduate residence. Kegs are permitted at University-sponsored, staff-run events only.

### **B. Rules Governing Alcohol Use at Registered Undergraduate Social Events**

In order to minimize the risk of alcohol abuse, promote compliance with the law, and encourage students to make responsible decisions about the use of alcohol, the following rules are designed to control the volume and nature of alcohol products available and, ultimately, reduce the risk of alcohol-related incidents that pose a threat to the health and welfare of students and colleagues.

1. Undergraduate student groups—those recognized, registered, or identified as an organization by the University—which intend to sponsor events to be held at an on-campus space, an off-campus residence, or a third-party venue, and where alcohol will be served and consumed, must register the event with the Office of Alcohol and Other Drug Program Initiatives (AOD) and with their organization's advising office (where applicable) at least ten days in advance of the event. Failure to register an event at which alcohol is served does not exempt student organizations from the applicability of these rules. Registration of an event with AOD does not relieve the sponsor(s) of the event from complying with applicable codes and/or life safety standards.

2. Approval from UPPD must be obtained for any events, including alcohol-free events, which will have:

- a. More than 400 guests,
- b. Outside area/yard, and/or
- c. Live music outside.

The party organizers must contact UPPD for approval as part of the event registration process with the Office of Alcohol and Other Drug Program Initiatives.

3. Professional security must be hired to check age identification of all attendees and wristbands must be distributed to guests who are of legal age to consume alcohol. Security will be coordinated by AOD or by the venue.

4. Hard alcohol, distilled liquor with an alcohol content of more than 15%, is prohibited at all registered on-campus undergraduate events, except at events with a set guest list of 150 attendees or fewer. A guest list must be supplied to AOD prior to the event. At such events, no more than two

types of hard alcohol may be provided, and must be provided in single-shot drinks only. Shots or multiple-shot beverages are prohibited.

5. Service of alcohol at all on-campus registered events must end no later than 1 a.m.; events may continue until 2 a.m.

6. Undergraduate student organizations hosting events at an on-campus space, an off-campus residence, or a third-party venue, at which alcohol is served are responsible for assuring that alcohol is served and consumed lawfully and safely.<sup>1</sup> To comply with this expectation undergraduate student organizations must adhere to the following conditions:

- a. No oversized or common source containers of any sort [including but not limited to kegs, punchbowls, beer balls, party balls] are permitted at any on-campus event;
- b. Only individuals with valid proof of legal drinking age may be served alcohol; alcohol may not be served to any visibly intoxicated person, regardless of age;
- c. Alcohol may be served only from a controlled, designated area by University-approved, sober, trained, of-age bartenders who are unaffiliated with the host organization;
- d. For the duration of registered events, individual members of host organizations may not entertain guests in private areas, including private bedrooms. Party attendance is restricted to the public area designated for the party. This means that individual members of a host organization may not serve alcohol in their private rooms for the duration of registered events, even if those in the room are of legal drinking age;
- e. No University funds may be used to purchase alcohol for any event sponsored by an undergraduate organization;
- f. Drinking contests or games of any sort are expressly prohibited.

\* The amount of alcohol available at an event should not exceed a ratio of more than four (4) alcoholic drinks (premium beer, table wine, or wine coolers) per of-age person attending the event. One drink = 12 ounces of premium beer (alcohol content of less than 6% by volume) or 4-5 ounces of (unfortified) table wine or a standard serving size wine cooler (usually 10 ounces).

7. All registered events held at an on-campus space, an off-campus residence, or a third-party venue must have appropriately trained bartenders who are unaffiliated with the host organization and who are at least 21 years of age.

8. At all registered events, whether held at an on-campus space, an off-campus residence, or a third-party venue, the host organization must identify trained, host monitors who may not consume any alcoholic beverages during or immediately prior to the event. There shall be at least one such host monitor for each 30 guests at an on-campus venue or off-campus residence, or one monitor for each 50 guests at an off-campus third-party venue. Sober host monitors must be designated in advance of each event during the event registration process. Sober hosts must remain sober for the duration of the event. Each academic year, organizations hosting events with alcohol must demonstrate to the Director of the Office of Alcohol & Other Drug Program Initiatives that they have a clear understanding of the function of the sober host monitors and the University's alcohol and other drug policies and that they have participated in training or taken other steps to develop the ability to, wherever possible (1) handle emergency situations, (2) respond to alcohol-related medical concerns, (3) identify and intervene with overly

intoxicated guests, whether or not they require medical treatment, (4) and take any necessary steps to protect the health and safety of guests.

9. University trained and appointed monitors will assist in assuring that University policy is followed at all on-campus events.

10. The organizers of events must properly dispose of partially filled and empty alcohol containers at the conclusion of the event.

11. The University supports the enforcement of all University, local, state and federal policies and laws by retail and wholesale distributors of alcohol on or near campus.

12. It is understood that in addition to University policy and state law, many University undergraduate student organizations are subject to policies regarding the possession and consumption of alcohol imposed by a parent organization. If the policies governing an individual organization impose more restrictive regulations regarding alcohol possession and consumption it will be necessary for that organization to follow its parent organization's policies or risk sanctions. If, however, the parent organization permits the possession or consumption of alcohol where otherwise prohibited by University policy, the organization must comply with the University's policy, notwithstanding its parent organization's rules.

### **C. Rules Governing Alcohol Use at Registered Graduate and Professional Student Social Events**

1. Graduate and professional student organizations which intend to sponsor on-campus or off-campus third-party venue events at which it is anticipated alcohol will be served and consumed must have their event plans approved by the appropriate administrators in their school, department, or center.

a. If the event is to be held within facilities managed by the student organization's school, department, or center, the event plan must be approved by the appropriate administrators within that space. The event must follow all policies for events with alcohol outlined by the administrators overseeing the student organization and venue.

b. If the event is to be held in another on-campus venue, such as a Perelman Quadrangle space or an outdoor area, or at an off-campus third-party venue, the event plan will require additional approval by the appropriate administrator responsible for that space and by the Office of Alcohol and Other Drug Program Initiatives. UPPD approval must be obtained for any events taking place outdoors or that will feature live music. The event must follow the rules governing the use of alcohol in that particular space.

2. In order to minimize the risk of alcohol abuse, promote compliance with the law, and encourage students to make responsible decisions about the use of alcohol, the following rules are designed to control the volume and nature of alcohol products available and, ultimately, reduce the risk of alcohol-related incidents that pose a threat to the health and welfare of students and colleagues.

- a. Individuals under the age of 21 may not be served alcohol.
- b. Service of alcohol must be managed by a licensed bartender.
- c. Security must be present at the event or at the entrance to the building in which the event is to be held.
- d. Food and non-alcoholic beverages must be provided at events where alcohol is served.

e. Sober hosts affiliated with the host organization must be present at the event to ensure that rules related to the service of alcohol and use of facilities are followed.

f. Drinking games or contests are prohibited.

g. Kegs are prohibited except at University-sponsored, staff-run events.

h. No funds can be exchanged for alcoholic beverages or for admission to events where alcohol is served except where an entity with a liquor license is controlling the service of alcohol.

## **III. Penn's Commitment to Health Education and a Supportive Environment**

Consistent with its educational mission, the University sponsors programs which help eradicate misperceptions about alcohol use among peers, create opportunities for open, honest dialogue about alcohol use and abuse, and promote awareness of the physical and psychological, social and behavioral effects of alcohol consumption. The University, along with its students, is committed to the creation of multiple recreational opportunities to help promote a wider variety of social experiences for undergraduates.

1. The University is committed to providing every Penn undergraduate student and parent or guardian with alcohol education from multiple sources when students are pre-freshman, during New Student Orientation, and during the course of the student's undergraduate education.

2. The University is committed to supporting continuous and expanded peer education, to creating opportunities for the integration of alcohol and drug related issues in its undergraduate co-curricular programs and maintaining an effective, coordinated and responsive alcohol abuse prevention plan implemented by the University's Director of the Office of Alcohol & Other Drug Program Initiatives.

3. In order to promote responsible group behavior regarding alcohol use, each student organization having more than 10 members and recognized by Division of Recreation and Intercollegiate Athletics, Vice Provost for University Life, Office of Fraternity and Sorority Life, Student Activities Council, Office of Student Affairs, Graduate and Professional Student Assembly, one of Penn's 12 schools, on-campus residential facilities and/or the College Houses is expected to meet the following requirements:

Each organization or group that intends to host registered events with alcohol (both on-campus and at off-campus third-party venues), must design and implement an individualized plan to demonstrate competency in managing risk related to alcohol consumption. Such a plan would identify the methods through which the organization will control service of alcohol, promote moderate alcohol consumption, and respond to alcohol-related medical concerns. Each organization must specifically identify appropriate strategies for creating an environment in which alcohol use is secondary to the event itself and which emphasizes food and activities not related to alcohol so as to minimize the risk associated with its presence. This plan will be reviewed as part of event registration prior to each event with alcohol.

Failure to meet this requirement could result in the loss of University recognition and/or support.

4. Organizations not officially recognized by the University are expected to undertake similar efforts to ensure that high-risk drinking and substance abuse are appropriately addressed.

## IV. Consequences for Policy Violations

All members of the University community and all University organizations are expected to comply with applicable local, state and federal laws regarding the possession, use or sale of alcohol or other drugs, whether on or off-campus, and are expected to comply with all University regulations regarding alcohol possession or use. Individuals and organizations which violate this policy may be subject to appropriate disciplinary action.

1. Any student or employee who violates University policies or applicable law may be subject to disciplinary actions and/or referral for prosecution. Disciplinary actions for students may include, but are not limited to, sanctions by the Office of College Houses & Academic Services and the Office of Residential Services, sanctions as set forth in the Charter of the University of Pennsylvania Student Disciplinary System, procedures outlined in the Fraternity and Sorority Advisory Board Judicial Charter, and other formal University consequences, as well as possible civil and criminal penalties. The severity of the sanctions will depend, in part, on whether there have been repeated violations and on the seriousness of the misconduct. Faculty, staff, and other non-students found to be in violation of this policy or applicable law may be subject to University disciplinary procedures which may impose sanctions up to and including termination of employment and/or referral for prosecution. The University also supports enforcement, by applicable law enforcement agencies, of all local, state and federal laws.

2. Along with disciplinary consequences, the University is committed to providing resources and education as appropriate to assist members of the community.

## V. Resources in the Penn Community for Information and Counseling Related to Alcohol and Other Drug Use

The University provides services and resources for community members who experience alcohol and/or other drug related difficulties. The following programs are available for students, staff, and faculty:

1. Office of Alcohol & Other Drug Program Initiatives (<https://www.vpul.upenn.edu/alcohol/>)  
The Office of Alcohol & Other Drug Program Initiatives is responsible for ensuring the efficient and productive coordination of all relevant, alcohol-related campus services. Assistance is available by calling (215) 573-3525.

2. Employee Assistance Program (<https://www.hr.upenn.edu/PennHR/wellness-worklife/counseling-and-employee-assistance-program/>)  
The Employee Assistance Program is a free, confidential one-on-one counseling service provided by the University for Penn faculty and staff and their family members. This program can offer assistance with serious life issues 24 hours a day, seven days a week by calling 1-888-321-4433. Services are available at over 450 locations throughout the Delaware Valley, including an on-campus office at 36th and Market Streets.

### 3. Additional Resources

The following offices provide information, education and services related to alcohol and other drug concerns. All services are provided free of charge and are available to students, faculty and staff at the University of

Pennsylvania. If you are concerned about your own or someone else's use of substances, please contact one of these offices.

Office of Affirmative Action and Equal Opportunity Programs (<http://www.upenn.edu/affirm-action/>) (Faculty, Staff, & Students)  
Franklin Building, 4th Floor, Room 421  
3451 Walnut Street  
(215) 898-6993 (Voice), (215) 898-7803 (TDD)

Counseling and Psychological Services (<http://www.vpul.upenn.edu/caps/>) (Students)  
3624 Market Street #1  
(215) 898-7021

Office of Alcohol & Other Drug Program Initiatives (<https://www.vpul.upenn.edu/alcohol/>) (Students)  
3611 Locust Walk  
(215) 573-3525

Human Resources (<https://www.hr.upenn.edu/PennHR/wellness-worklife/>) (Faculty and Staff)  
600 Franklin Building  
3451 Walnut Street/6228  
(215) 898-6093

Penn Women's Center (<http://www.vpul.upenn.edu/pwc/>) (Faculty, Staff, & Students)  
Locust House, 3643 Locust Walk/6230  
(215) 898-8611/12

Student Health Service (<https://www.vpul.upenn.edu/shs/>) (Students)  
3535 Market Street, Suite 100  
(215) 746-3535

HELP Line (<https://www.publicsafety.upenn.edu/help-line/>) (Faculty, Staff, & Students)  
(215) 898-HELP

A 24/7 phone line for members of the Penn community seeking help in navigating Penn's resources for health and wellness.

<sup>1</sup> The amount of alcohol available at an event should not exceed a ratio of more than four (4) alcoholic drinks (premium beer, table wine, or wine coolers) per of-age person attending the event. One drink = 12 ounces of premium beer (alcohol content of less than 6% by volume) or 4-5 ounces of (unfortified) table wine or a standard serving size wine cooler (usually 10 ounces).

## Appendix

### I. Legal Sanctions

The following is a brief review of the legal sanctions under local, state, and federal law for the unlawful possession or distribution of illicit drugs and alcohol:

#### A. Drugs

1. The Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780-101 et seq., sets up five schedules of controlled substances based on dangerousness and medical uses. It prohibits the manufacture, distribution, sale or acquisition by misrepresentation or forgery of controlled substances except in accordance with the Act as well as the knowing possession of

controlled substances unlawfully acquired. Penalties for first-time violators of the Act range from thirty days imprisonment, \$500 fine, or both for possession or distribution of a small amount of marijuana or hashish, not for sale, to fifteen years or \$250,000 or both for the manufacture or delivery of a Schedule I or II narcotic. A person over eighteen years of age who is convicted for violating The Controlled Substance, Drug, Device and Cosmetic Act, shall be sentenced to a minimum of at least one year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which a university is located, the person shall be sentenced to an additional minimum sentence of at least two years total confinement.

2. The Pharmacy Act of 1961, 63 Pa. C.S.A. 390-8 makes it unlawful to procure or attempt to procure drugs by fraud, deceit, misrepresentation or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one year's imprisonment, a \$5,000 fine, or both.

3. The Vehicle Code, 75 Pa. C.S.A. 3101 et seq., which was amended effective July 1, 1977, prohibits driving under the influence of alcohol or a controlled substance, or both, if the driver thereby is rendered incapable of safe driving. A police officer is empowered to arrest without a warrant any person whom he or she has probable cause to believe has committed a violation, even though the officer may not have been present when the violation was committed. A person so arrested is deemed to have consented to a test of breath or blood for the purpose of determining alcoholic content, and if a violation is found it carries the penalties of a misdemeanor of the second degree, which includes imprisonment for a maximum of thirty days.

4. Federal drug laws, the Controlled Substances Act, 21 U.S.C. 801 et seq., are similar to the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act, but contain, for the most part, more severe penalties. Schedules of controlled substance are established, and it is made unlawful to knowingly or intentionally to manufacture, distribute, dispense, or possess with intent to distribute or dispense a controlled substance. If the quantity of controlled substance is large (e.g. 1,000 kg of a mixture or substance containing marijuana), the maximum penalties are life imprisonment, a \$4,000,000 fine, or both. Lesser quantities of a controlled substance (e.g. 100 kg of a mixture or substance containing marijuana) result in maximum penalties of life imprisonment, a \$2,000,000 fine, or both. The distribution of small amounts of marijuana for no remuneration or simple possession of a controlled substance carries a maximum of one year's imprisonment, a \$5,000 fine, or both, with the penalties for the second offense doubling. Probation without conviction is possible for first offenders. Distribution to persons under the age of twenty-one by persons eighteen or older carries double or triple penalties. Double penalties also apply to the distribution or manufacture of a controlled substance in or on or within 1,000 feet of the property of a school or college.

5. Students who have been convicted under state or federal law involving the possession or sale of a controlled substance, are ineligible for federal student aid for specific periods (ranging from one year to an indefinite period depending on the nature of the offense and whether the student is a repeat offender).

## B. Alcohol

The Pennsylvania Liquor Code, 47 Pa. C.S.A. 1-101 et seq., controls the possession and sale of alcoholic beverages within the Commonwealth. The Code as well as portions of the Pennsylvania Statutes pertaining to crimes and offenses involving minors, 18 Pa. C.S.A. 6307 et seq., provide the following:

1. It is a summary offense for a person under the age of twenty-one to attempt to purchase, consume, possess or knowingly and intentionally transport any liquor or malt or brewed beverages. Penalty for a first offense is suspension of driving privileges for 90 days, a fine up to \$500 and imprisonment for up to 90 days; for a second offense, suspension of driving privileges for one year, a fine up to \$1,000, and imprisonment for up to one year; for subsequent offenses, suspension of driving privileges for two years, a fine up to \$1,000 and imprisonment for up to one year. Multiple sentences involving suspension of driving privileges must be served consecutively.
2. It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of twenty-one). "Furnish" means to supply, give or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged. Penalty for a first violation is \$1,000; \$2,500 for each subsequent violation; imprisonment for up to one year for any violation.
3. It is a crime for any person under twenty-one years of age to possess an identification card falsely identifying that person as being twenty-one years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. Penalties are stated in (2) above.
4. It is a crime intentionally, knowingly or recklessly to manufacture, make, alter, sell or attempt to sell an identification card falsely representing the identity, birth date, or age of another. Minimum fine is \$1,000 for first violation; \$2,500 for subsequent violations; imprisonment for up to one year for any violation.
5. It is a crime to misrepresent one's age knowingly and falsely to obtain liquor or malt or brewed beverages. Penalties are as stated in (2) above.
6. It is a crime knowingly, willfully and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.
7. It is a crime to hire, request or induce any minor to purchase liquor or malt or beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.
8. Sales without a license or purchases from an unlicensed source of liquor or malt or brewed beverages are prohibited.
9. It is unlawful to possess or transport liquor or alcohol within the Commonwealth unless it has been purchased from a State Store or in accordance with Liquor Control Board regulations.
10. The use in any advertisement of alcoholic beverages of any subject matter, language or slogan directed to minors to promote consumption of alcoholic beverages is prohibited.

11. The Pennsylvania Liquor Code prohibits advertisements of alcoholic beverages, either directly or indirectly, in any booklet, program, book, yearbook, magazine, newspaper, periodical, brochure, circular, or other similar publication, published by, for, or on behalf of any educational institution. In *Pitt News v. Pappert*, 379 F.3d 96 (2004) this prohibition was construed to restrict constitutionally protected speech and the current applicability of these Liquor Code prohibitions is limited. Please note that University policies regarding advertisement of alcoholic beverages in University publications, which are more restrictive than those contained in the Liquor Code, govern.

(Source: Almanac, March 20, 2018 (<https://almanac.upenn.edu/articles/penns-alcohol-and-drug-policy-and-antihazing-regulations/>))

The University will cooperate with the appropriate law enforcement authorities for violations of any of the above-mentioned laws by an employee in the workplace or student.

## II. Health Risks

Consistent with its mission to promote wellness and reduce the harm of alcohol and other drug use, the University is committed to providing education on the health risks associated with alcohol and other drug use, and providing counseling and support services to students. The list below is not a complete list of substances that are regulated or illegal, or that have health risks. More information can be found on the website of the Office of Alcohol and Other Drug Program Initiatives (<http://www.vpul.upenn.edu/alcohol/>).

**Alcohol.** Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acts of violence, vandalism, and incidents of drinking and driving. Continued abuse may lead to alcohol use disorder, which can lead to permanent damage to vital organs and deterioration of a healthy lifestyle.

**Amphetamines.** Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Use can lead to erratic behavior.

**Cannabis (Marijuana, Hashish).** The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Frequent users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

**Cocaine/Crack.** The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

**Hallucinogens.** Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

# ANTIHAZING REGULATIONS

The University of Pennsylvania is a scholarly community. Each member of our community is expected to respect the rights of others to participate in the academic and social life of the University. Hazing is inconsistent with the goals and purposes of the University and is explicitly forbidden.

The following Regulations apply to all University students and student groups, irrespective of whether those groups are recognized, registered, or identified as being affiliated with the University.

## I. Hazing: Definition

A. For purposes of these Regulations, and consistent with the Anti-Hazing Law of Pennsylvania, hazing means any action or situation (1) which recklessly or intentionally endangers the mental or physical health or safety of a student or (2) which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, an organization operating under the sanction of, or recognized, registered, or identified by the University including, without limitation, fraternities and sororities ("organization"). For purposes of these Regulations, any activity as described herein upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned, regardless of whether that organization is recognized by or registered with the University, shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

B. Examples of types of prohibited behavior follow. These examples are merely illustrative of specific forbidden practices and are not intended to be all inclusive.

1. Any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics or exposure to the elements.
2. Forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual.
3. Any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.
4. Any willful destruction or removal of public or private property.
5. Placing a member or pledge in a situation of actual or simulated peril or jeopardy.
6. Undignified stunts or methods, either private or public and/or any ordeal that is in any respect indecent or shocking to moral or religious scruples or sensibilities.
7. Kidnapping and paddling.

C. There are time and place limitations on all organization activities related to new member orientation, pledging, and initiation. For purposes of this section, orientation or pledging activities include anything expected or required of an applicant or new member in an organization.

1. There shall be no orientation or pledging activities between midnight and 8:00 a.m. Sunday through Thursday. This rule will be strictly enforced.
2. Orientation and pledging activities shall not occupy more than ten hours per week, excluding study hours and community service.

3. Orientation or pledging activities must not disrupt educational and other activities of the University community nor damage University property.

Fraternity and sorority pledging activities must follow these additional limitations:

1. The length of pledging shall be limited to six weeks according to a calendar set by the Office of Fraternity and Sorority Life.
2. Pledging practices such as raids, treasure hunts and scavenger are prohibited. The College Houses, in particular, are off limits to the pledge activities of organizations.

Pledges may not travel as part of pledging activities. The Director of Fraternity and Sorority Life must approve in writing any exceptions. Approval may be granted only when the trip has been sanctioned by a national office (or national/ regional designee) of the fraternity or sorority, when adequate funds, transportation and supervision are provided, and when the purpose of the trip is of a constructive nature.

## II. Penalties

Penalties for engaging in hazing activities include University sanctions against individuals and organizations, and criminal sanctions under state law.

### A. Individuals

All students, whether or not they are affiliated with an organization, are governed by the Guidelines on Open Expression and the Code of Conduct.

Infractions of the Anti-Hazing Regulations are subject to sanctions described in the Charter of the Student Disciplinary System. These sanctions include the following: warning, reprimand, fine, restitution, disciplinary probation for a specified period, withdrawal of privileges, indefinite probation (i.e., probation whenever and as long as the respondent is a full- or part-time student at the University), term suspension (ordinarily not to exceed two years), indefinite suspension with no automatic right of readmission, or expulsion.

### B. Organizations

1. All organizations are subject to sanctions including loss of University facility use privileges, loss of Student Activities Council recognition and funding, and referral to the Office of Student Conduct.
2. In addition, all fraternities and sororities are governed by the University policy entitled "Recognition and Governance of Undergraduate Social Fraternities and Sororities" (the "Recognition Policy") (p. 120). For infractions of the Anti-Hazing Regulations above, the fraternity or sorority is subject to sanctions as set forth in the Recognition Policy. These sanctions include administrative warning, chapter probation, suspension of University recognition, and withdrawal of University recognition. The national fraternity of any chapter found to have violated these Anti-Hazing Regulations will be notified.

### C. Criminal and Civil Liability

In addition to the sanctions described above, a student or organization may be subject to civil liability or to criminal liability under Pennsylvania's Anti-Hazing or other laws.

Updated March 20, 2018; Almanac, March 20, 2018 (<https://almanac.upenn.edu/articles/penns-alcohol-and-drug-policy-and-antihazing-regulations/>)

# BICYCLE POLICY

## Preamble

The University recognizes that concerns exist within the University community regarding the safe use of bicycles on and about the campus. Pedestrians are concerned that they must be overly vigilant to avoid physical encounters with cyclists, particularly in heavy traffic areas. They argue that, to prevent a possible injury, walking a short distance should not be a hardship on the cyclist. Many University community members have concerns about bicycles impeding the free ingress/egress of buildings, especially in the event of an emergency. Additionally, some experience extreme difficulty using the stairs when the handrails are not accessible. Many are concerned about the disorderly appearance of campus when bicycles are secured to trees, trip rails and other inappropriate fixed objects.

Cyclists have legitimate concerns of their own. Their concerns are that regulatory reaction by the University might impair their functional use of bicycles for transportation to and about campus, that there are an insufficient number of reliable bicycle racks available, and that they are victimized by the theft of their bicycles or component parts.

In order to address the concerns of the entire community, the University has adopted the following bicycle use policy which, we believe, balances and provides for the needs of all concerned parties. Enforcement of the policy is authorized by the Pennsylvania Vehicle Code, the Philadelphia Code and the Philadelphia Fire Code. However, like most policies, it relies on the thoughtfulness, cooperation and consideration of the entire University community.

## I. Purpose

1. To enhance pedestrian and rider safety within the inner campus during peak traffic periods.
2. To provide for the safe and free ingress/egress to and from all the University buildings and facilities.
3. To reduce bicycle theft losses.
4. To identify, establish and publish written guidelines and regulations to facilitate the movement of bicycle traffic to and about the campus while safeguarding the needs of the community population at large.

## II. Scope

This policy applies to all University faculty, staff and students who own, operate or store any pedal drive, human powered vehicles, on or about the building, grounds or premises of the University of Pennsylvania, West Philadelphia campus.

## III. Policy defined

### A. Registration

The University recommends that every bicycle owned, operated or stored on or about the campus, should be registered with the University Division of Public Safety. The advantages of bicycle registration are:

1. Police will have a quick means to establish the ownership of a bicycle that has been removed from your control. Return of the property, and if appropriate, the arrest of a thief or receiver of stolen property will be greatly enhanced.
2. If your bicycle is lost or stolen the University Police (UPPD) will verify the existence of that bicycle to your insurance carrier, if requested.

If the bicycle is not registered UPPD will take your report of lost or stolen property; however, no verification of the prior existence of that bicycle, as your property, can be affixed to that report when forwarded to your insurance carrier.

3. Bicycles remaining in UPPD custody without identification of ownership are periodically sold at public auction. Dates, times, and places of registration for bicycles will be widely advertised throughout each academic year with periodic reminders as may be appropriate with changes in the University population such as the beginning of the spring semester and the summer sessions.

## B. Synopsis of Pennsylvania and Philadelphia Law

1. Human-powered, pedal cycles are vehicles according to the Pennsylvania Vehicle Code.
2. Vehicles, as indicated in #1 above are subject to the provisions of the vehicle code when operated on the highways and may not stop, stand or park where prohibited or where controlled by official traffic control devices to include firelanes, handicapped zones, etc.
3. The Philadelphia Code prohibits any person above the age of 12 from riding a cycle on any sidewalk or pedestrian pathway in a business district. The Penn Campus area meets the definition of a business district.
4. A person walking a bicycle is considered a pedestrian.
5. The Philadelphia Fire Code requires clear passage from all exits and stairways at all times. No obstruction shall be permitted.
6. University Police are authorized to enforce both the Pennsylvania Vehicle Code and City of Philadelphia Ordinances.

## C. Riding restricted by time or place

In order to provide the opportunity for the accident-free passage of both pedestrians and cyclists the following riding restrictions are instituted:

1. Cyclists can ride their vehicles on Locust, Smith, and Hamilton Walks only between the hours of 5:30 p.m. and 8:30 a.m. If heavy pedestrian traffic occurs it is expected that riders will dismount in deference to pedestrians.
2. Cyclists will walk their vehicles on Locust, Smith, and Hamilton Walks between the hours of 8:30 a.m. and 5:30 p.m.
3. The ride/walk provisions of 1 and 2 above, also apply to the pedestrian feeders to Locust Walk from Walnut and Spruce streets via 36th and 37th streets.
4. University Police on bicycles will be exempt from the above described restrictions in order to provide enforcement, efficient patrol service and emergency response. Police, consistent with their specialized training and the guidance of their supervisors, will operate bicycles in a responsible manner.

## D. Parking and Securing of Bicycles

In order to reduce the opportunity for theft the University has significantly increased the number of structurally sound bicycle security racks distributed at convenient locations throughout inner campus. University Police are particularly attentive to these concentrations of security racks during their patrols.

1. Bicycles should be secured to a bike rack every time they must be left unattended on campus, even if it is to be left for a moment.
2. Bicycles shall not be locked, secured, or otherwise parked to handrails, fences, trees, trip rails, or to, or in any other location that, in any manner, obscures the free ingress/egress of any building, stairway, pathway, or in such a manner as to interfere with the access to facilities as required by the U.S. Americans with Disabilities Act.
3. Locking Devices and Methods.
  - a. The U-shaped Kryptonite-type bicycle locks appear to be among the best type of locking devices.
  - b. When physically possible secure the main frame to the security rack.
  - c. If wheels are of the quick-release type, attempt to secure lock through the security rack, the bike frame and the wheel. If necessary, use an additional lock with a long shackle or a cable and lock to secure all the parts together.
  - d. If the bicycle is equipped with a quick-release seat adjustment, consider removing the seat and taking it with you.
  - e. Never secure a bicycle to an object which can, itself, be disassembled, cut or removed.
  - f. Use the bicycle security racks on the inner campus.
- a. Cycles operated in violation of Para. C, sections 1, 2, & 3, of this policy qualify under the Vehicle Code for issuance of a Traffic Citation.
- b. Violation as in a. immediately above, could also qualify for issuance of a Non-Traffic Criminal Citation under City Ordinances.
 

Only one of these can be issued for the same offense. Normally the Traffic Citation will be used.
- c. In addition, disregard for traffic control devices, operation of the bicycle in such a manner as to be considered reckless, or to reasonably be considered to have caused damage or injury by negligent operation are some of the more common provisions of the Pennsylvania Vehicle Code which will also qualify for the issuance of a Traffic Citation.
- d. All citations require payment of a fine and costs to civil authorities upon conviction.

**Appropriate authorities are:**

1. JIO for undergraduate students.
2. Dean of a School for graduate students.
3. Office of the Provost for faculty.
4. Department Director w/copy to Vice President of Human Resources for employees.

(Source: Almanac, October 22, 2002 ([http://www.upenn.edu/almanac/v49/n09/bike\\_policy.html](http://www.upenn.edu/almanac/v49/n09/bike_policy.html)))

## E. Enforcement

In order to preserve the intent and the integrity of any policy there must always be a means to ensure compliance. The University's Division of Public Safety Police Department is charged with enforcement action.

1. Parking and securing of Bicycles. Owners or operators of bicycles parked in violation of Para. D., section 2, of this policy will be subject to the following sanctions:
  - a. UPPD officers will confiscate the bicycle by removal to their headquarters or by adding a UPPD lock.
  - b. A confiscated bicycle will be released upon proof of ownership and the payment of a \$5 fee. For a second confiscation in the same academic year (September 1 to August 31) a fee of \$15 will apply.
  - c. Third and subsequent confiscations in the same academic year will generate a report to the appropriate University authority with a request for sanction(s). A \$25 fee will apply.
  - d. A pattern of noncompliance extending over multiple academic years will be addressed by the Commissioner of the Division of Public Safety, with those University officials deemed most appropriate to bring about compliance.
  - e. When the bicycle is also parked in violation of the Vehicle Code or City Ordinance the officer may, at his/her discretion, issue a Parking Violation Report or a Traffic Citation each of which requires payment of a fine and costs to civil authorities.
2. Operation of Bicycles When/Where Prohibited

# CANVASSING

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Canvassing or solicitation for funds, sales, or subscriptions in University buildings is prohibited unless written permission is granted by the building administrator. Soliciting or selling goods and services in areas of the residential buildings not designated for such purposes is not permitted. Permission to raise funds or conduct sales in designated areas of the campus to support the activities of student groups may be granted by the Office of Student Life Activities and Facilities in accordance with the Campus Vending Policy.

# CHARTER OF THE UNIVERSITY OF PENNSYLVANIA STUDENT DISCIPLINARY SYSTEM

## Preamble

In response to increasing concern about sexual assault and its consequences, the U.S. Department of Education, Office for Civil Rights (OCR) issued a new "guidance" document concerning compliance with Title IX of the Education Amendments of 1972. Title IX prohibits discrimination on the basis of sex in educational programs, including sexual misconduct. In this context, the Office of Student Conduct and the Office of the General Counsel, working closely with other University student affairs professionals, prepared amendments to the Charter of the Student Disciplinary System. As required by the Charter, the amendments have been approved by the Council of Deans, the Faculty Senate and the Provost and are in effect as of April 10, 2012.

## Changes

The significant points of OCR's guidance include the following:

- Once a school knows or reasonably should know of possible sexual misconduct, it must take immediate and appropriate action to investigate or otherwise determine what occurred.
- If sexual misconduct has occurred, a school must take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, whether or not the sexual violence is the subject of criminal investigation.
- A school must take steps to protect the complainant as necessary, including interim steps taken prior to the final outcome of the investigation.
- A school must provide a procedure for students to file complaints of sex discrimination, including complaints of sexual misconduct. These procedures must include an equal opportunity for both parties to present witnesses and other evidence and the same appeal rights.
- A school's procedures must use the preponderance of the evidence standard to resolve complaints of sexual misconduct.<sup>1</sup>

With the guidance in mind, we developed some special procedures for handling sexual misconduct cases and added a section in the Charter describing these. For the full text of these amendments, please refer to Section II.J. (p. ) of the amended Charter. The amendments also include other minor clean-up revisions, such as correction of scrivener's errors.

<sup>1</sup> U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter: Sexual Violence, Background, Summary and Fast Facts, April 4, 2011

The Charter of the Student Disciplinary System sets forth the procedures under which alleged violations of the University's Code of Student Conduct, Code of Academic Integrity, and other policies, rules, and regulations are resolved.

The Code of Student Conduct sets forth the responsibility of all students at the University of Pennsylvania to exhibit responsible behavior

regardless of time or place. This responsibility includes, but is not limited to, the obligation to comply with all provisions of the Code of Student Conduct; with all other policies and regulations of the University, its Schools, and its Departments; and with local, state, and federal laws.

The Code of Academic Integrity, and similar codes adopted by some of the University's Schools, set forth the standards of integrity and honesty that should be adhered to in all student academic activities at the University of Pennsylvania.

Violations of the Code of Academic Integrity or School regulations are also violations of the University's Code of Student Conduct. Further, violations of local, state, and federal laws may be violations of the Code of Student Conduct. Therefore, throughout the Charter references to violation(s) or alleged violation(s) of the Code of Student Conduct include violations of these other policies and laws.

The University disciplinary process at Penn may involve the following stages:

- Bringing a Complaint to the Office of Student Conduct
- Resolving a Complaint by Mediation
- Investigating a Complaint
- Filing Charges by the University against a Student
- Resolving Charges by Voluntary Agreement to Sanctions
- Resolving Charges by Disciplinary Hearing
- Appealing the Decision of a Hearing Panel
- Imposing Sanctions on a Student
- Fulfilling Sanctions Imposed by the University

Under the University's Student Disciplinary System, charges are brought on behalf of the University, not on behalf of the complainant(s) who brought the matter to the Office of Student Conduct (OSC) or the party(ies) who may have been directly or indirectly harmed by the alleged violation of University regulations. Therefore, complainants who wish to maintain greater control over their complaints, such as is sometimes appropriate in cases involving serious cultural or communicative differences, or those who wish merely to create a record of their complaint without necessarily beginning a formal disciplinary process, may wish to bring their complaint to other University resource offices, particularly the Office of the Ombudsman, which are equipped to handle cases in this manner. Such offices may, when appropriate and helpful in an individual case, consult with relevant campus communities or other resource offices in the process of resolving a complaint and are able to work closely with both complainants and respondents in resolving such matters. If such efforts fail to arrive at a satisfactory resolution, the complainant still has the option of bringing a complaint to the OSC.

Through the University Honor Council, students play a major role in the Student Disciplinary System by advising the Director of the Office of Student Conduct and the Provost on matters of policy and the operation of the System and by sitting as members of disciplinary hearing panels. Students also serve as advisors and mediators within the System.

The System places great emphasis on the mediation of disputes, as is appropriate in a University Community.

## I. The Student Disciplinary System

### A. Statement of Purpose

The purpose of the Student Disciplinary System is to further the educational mission of the University of Pennsylvania by providing a

fair and effective mechanism for investigating and resolving disputes involving students and alleged violations by students of the University's rules, regulations, and policies.

## B. Jurisdiction of the Student Disciplinary System

1. Through the Office of Student Conduct (OSC), the Student Disciplinary System handles complaints from members of the University community—trustees, faculty, staff or registered students—about alleged violations of the Code of Student Conduct, the Code of Academic Integrity, or other University policies. Persons outside the University community may also bring complaints of alleged violations of the Code of Student Conduct and other University policies to OSC. The Director of OSC will make a case-by-case determination of whether it is appropriate to handle such complaints under the Student Disciplinary System. Among other factors, the Director will consider whether the alleged conduct affects a substantial University interest or whether the conduct may present a threat or danger to the community. When OSC undertakes to handle such complaints, the procedures described in this Charter will apply.
2. Except as provided below, the Student Disciplinary System has jurisdiction in all disciplinary matters arising under the regulations of the University against registered students, whether they be undergraduate, graduate or professional students, or others, including students who are on unexpired leaves of absence. Approved or unapproved absence from the University is not a bar to the conduct or completion of disciplinary proceedings under this Charter.
3. In general, a student is any individual who has been admitted, matriculated, enrolled, or registered in any academic program or other educational activity provided by the Trustees of the University of Pennsylvania.
4. The Student Disciplinary System does not handle complaints against graduate and professional students when such cases lie within the jurisdiction of a hearing board or other disciplinary body established by the School of the University in which the student is enrolled. When such a School-based disciplinary procedure exists, it should be the recourse of first resort for the resolution of an alleged violation of University or School regulations, unless the OSC decides, in consultation with the Provost, that it is appropriate in light of the circumstances for the Student Disciplinary System to handle the matter. Schools with such procedures are encouraged to refer disciplinary matters (excluding academic integrity matters) to the University Mediation Program whenever appropriate. When an alleged violation of University regulations by a graduate or professional student is not within the jurisdiction of a disciplinary system established by the student's School, the Student Disciplinary System will have jurisdiction over the matter.
5. The Student Disciplinary System does not handle alleged violations of the University's parking regulations.
6. Alleged violations of the University's Residential Living policies and contracts are ordinarily handled under the procedures of the Department of Residential Living but, if serious enough to warrant sanctions beyond those which the Department of Residential Living is authorized to impose, may be referred by the Director of Residential Living to the OSC. The fact that proceedings have been held and sanctions imposed under Residential Living policies does not preclude proceedings under this Charter.
7. The Director of the Office of Student Conduct decides all questions of jurisdiction of the Student Disciplinary System arising under this Charter, consulting with the Provost (or designee) and with the University's General Counsel when necessary. When appropriate, the

OSC may refer a complaint to another University office or disciplinary process.

## C. General Principles of the Disciplinary System

1. The University's Student Disciplinary System is not a legal system, and University disciplinary proceedings are not civil or criminal litigation. Thus, they operate under different rules, standards, and procedures, and seek to achieve ends different from criminal or civil proceedings.
2. Any member of the University community may bring a complaint about student conduct or academic integrity to the attention of the Office of Student Conduct. Doing so in no way limits a complainant's rights or obligations to bring such matters to the attention of other University offices, officers, or resources, including the Office of the Ombudsman and appropriate Deans, or to seek recourse outside the University through civil or criminal legal proceedings.
3. In all cases, the University reserves the right to determine how to process a disciplinary complaint. Once a complaint is brought to the attention of the Office of Student Conduct, the OSC, on behalf of the University, will decide how the complaint will be handled, including whether disciplinary charges should be brought against a student.
4. Complainants in sexual misconduct cases have rights and responsibilities similar to respondents under this Charter. In addition, certain special procedures apply in sexual misconduct cases (see section II.J. (p. )).
5. Except as otherwise specified in this Charter, when appropriate and if all parties agree, a matter brought to the OSC may be resolved through mediation and will not result in charges or disciplinary hearings. Because of their seriousness within an academic community, alleged violations of the Code of Academic Integrity will not be referred for mediation. Thus, except in academic integrity matters and matters that warrant treatment as serious violations of the Code of Student Conduct or other University policies, the initial response by the OSC may be to refer the complainant and respondent to the University's Mediation Program. If mediation fails or is inappropriate, the OSC will begin the more formal disciplinary processes outlined in this Charter.
6. All members of the University community are required to cooperate with the Student Disciplinary System. Those individuals who may be interviewed or called as witnesses in a disciplinary matter (including respondents and complainants) are obligated to provide honest and complete statements to the OSC and to the Hearing Panel. While in some circumstances a respondent may choose not to answer questions or provide information because of pending civil claims or criminal charges arising out of the same or other events, the respondent's decision not to answer questions or provide information will not be a reason to delay or defer an investigation or proceedings under this Charter. A student who fails, without good cause, to appear for a hearing after receiving notice, or to cooperate with the investigation conducted by the OSC, may be charged with a violation of the Code of Student Conduct. Repeated disruption of disciplinary hearings or the disciplinary process by a student or the student's advisor may result in charges against the student of non-cooperation with the Student Disciplinary System or exclusion of the student or advisor from disciplinary proceedings, including disciplinary hearings. Such exclusion is not a bar to the completion of disciplinary proceedings involving that student.

## D. Organization of the Disciplinary System

### 1. Office of Student Conduct

The Office of Student Conduct is the central office responsible for resolving alleged violations of University policies by students. The duties of the OSC include determining whether complaints warrant action by the OSC, referring complaints for mediation or resolution by other University offices, investigating complaints, determining whether to charge a student with violations of University policies, resolving complaints by voluntary agreements to sanctions, bringing charges of violations to a disciplinary hearing, presenting evidence at hearings, monitoring and enforcing the fulfillment of sanctions imposed pursuant to voluntary agreements or after disciplinary hearings, maintaining records of all disciplinary matters, providing administrative support for all aspects of the disciplinary process (including hearings), and preparing reports and compiling statistics.

### 2. University Mediation Program

The University Mediation Program (UMP) may use the volunteer services of faculty, students, and staff members who have been trained in mediation and dispute resolution and may also use resources available in the University's Law School, in University resource offices such as the Office of the Ombudsman, or outside the University.

### 3. University Honor Council

- a. The University Honor Council (UHC) provides independent advice to the Provost and the OSC regarding the operation of the Student Disciplinary System in the area of academic integrity and student conduct, the general handling of academic integrity and conduct violations, appropriate sanctions for various types of academic integrity and conduct violations, and the effectiveness and implementation of the University's Code of Student Conduct and Code of Academic Integrity. Members of the UHC also sit on Disciplinary Hearing Panels. The UHC meets regularly with the Director of the Office of Student Conduct and may also discuss academic integrity and conduct issues with appropriate administrators and student, faculty, or administrative groups or committees. In addition, the UHC initiates and participates in educational programs about academic integrity and student conduct and works to help students understand and respect the academic and behavioral standards of the University community.
- b. The UHC consists of a minimum of 13 undergraduate students, chosen by current members of the UHC. The UHC is encouraged to ensure that nominees represent a broad cross-section of the undergraduate student body. The UHC selects a chair from among its members by a majority vote of the current members. Faculty members and graduate students designated by the Faculty Senate or Graduate and Professional Students Assembly (GAPSA) to sit on Disciplinary Hearing Panels may participate in the work of the UHC if the UHC so desires.

### 4. Disciplinary Hearing Officer

Every two years, the Provost, after consultation with the UHC, and the chairs of the Faculty Senate, will appoint a tenured member of the Standing Faculty of the University of Pennsylvania as Disciplinary Hearing Officer (DHO), preferably from among those faculty who have experience with the Student Disciplinary System. The DHO (or designee) selects members to serve on Disciplinary Hearing Panels and determines the time, location, etc., of hearings. The DHO presides over all disciplinary hearings held under this Charter. The DHO is responsible for overseeing the procedural integrity of disciplinary hearings. The DHO will, for example: consider and resolve pre-hearing challenges to the authority or procedures of a Disciplinary Hearing Panel; rule on all disqualification requests and objections

to individual panel members; assist parties to adhere to the basic principles of fairness prior to, during, and subsequent to disciplinary proceedings; and may consult at any time with students, faculty members, the University's General Counsel or others about procedural issues. The DHO also participates in the training of prospective faculty and student members of Disciplinary Hearing Panels. The DHO serves and may be reappointed at the discretion of the Provost, but his or her removal or reappointment may not occur without prior consultation with the UHC and the chairs of the Faculty Senate.

### 5. Disciplinary Appellate Officer

Every two years, the Provost, after consultation with the UHC, and the chairs of the Faculty Senate, will appoint a tenured member of the Standing Faculty of the University of Pennsylvania as a Disciplinary Appellate Officer (DAO), preferably from among faculty who have experience with the Student Disciplinary System. The DAO decides appeals of findings and recommended sanctions made by Disciplinary Hearing Panels based on the record of such proceedings and written submissions from the relevant parties. The DAO serves and may be reappointed at the discretion of the Provost, but his or her removal or reappointment may not occur without prior consultation with the UHC, and the chairs of the Faculty Senate.

### 6. Disciplinary Hearing Panels

- a. Disciplinary matters are heard by Disciplinary Hearing Panels of five members each. The Disciplinary Hearing Officer (or designee) randomly selects the undergraduate members of Disciplinary Hearing Panels from the membership of the University Honor Council for hearings involving undergraduate respondents. For hearings involving graduate students, the Disciplinary Hearing Officer (or designee) randomly selects the graduate and professional student members of Hearing Panels from lists of 13 or more graduate and professional students provided annually to the DHO by GAPSA. The Disciplinary Hearing Officer (or designee) randomly selects the faculty members of Hearing Panels from lists of 13 or more faculty provided annually to the DHO by the Faculty Senate Executive Committee. GAPSA and the Faculty Senate Executive Committee are encouraged to ensure that nominees represent a broad cross-section of graduate and professional students and faculty, respectively.
- b. In all disciplinary matters, except those involving alleged violations of the Code of Academic Integrity, the Disciplinary Hearing Panel is composed of two faculty members and three students of the same category (undergraduate or graduate) as the respondent. If a disciplinary matter involves both undergraduate and graduate respondents, the panel will include at least one undergraduate and at least one graduate student and two faculty members; the fifth panel member will be an undergraduate or graduate student selected by the DHO.
- c. In disciplinary matters involving alleged violations of the Code of Academic Integrity, the Disciplinary Hearing Panel is composed of three faculty members and two students of the same category (undergraduate or graduate) as the respondent. If a disciplinary matter involves both undergraduate and graduate respondents, the panel will consist of one undergraduate student, one graduate student, and three faculty members.
- d. Except for participation on the University Honor Council, no one designated to serve on Disciplinary Hearing Panels may serve simultaneously in any other capacity within the Student Disciplinary System.
- e. If any nominating body chooses fewer than 13 members to serve on Disciplinary Hearing Panels or cannot make additional members available when needed, the Provost will make the

necessary appointments to fill the complement of the appropriate group. If any member is unable to serve for any reason, a replacement is selected in the same manner that the original member was chosen.

- f. Student members of Disciplinary Hearing Panels must be in good academic and disciplinary standing, as defined by their Schools. The UHC, as appropriate, by a vote of two-thirds of its members, may remove a member who fails to perform his or her duties. When a member ceases to be in good standing or is removed by the UHC, a replacement from the same category will be chosen in the same manner that the original member was chosen.

#### 7. Advisors

- a. Advisors help students involved in disciplinary proceedings to understand the disciplinary process, respect and comply with the provisions of this Charter, and deal with all aspects of the process. Any University faculty member, staff member, or student in good academic and disciplinary standing may serve as an advisor. The OSC maintains lists of individuals who are willing to serve as advisors and who have received training in the operation of the Student Disciplinary System.
- b. Upon receiving notice of a complaint and the accompanying list of trained advisors, a respondent may select an advisor from this list or choose any other University faculty member, staff member, or student in good academic and disciplinary standing to advise the respondent during the disciplinary process. If criminal charges are pending against a respondent or, in the judgment of the Office of the University's General Counsel, are reasonably in prospect, the respondent's advisor may be an attorney who is not a member of the University community. In such instances, the attorney will be expected to observe the procedures of this Charter and comply fully and promptly with decisions of the DHO or other University officials or bodies charged with the administration of this Charter in the same manner expected of members of the University community.
- c. An advisor may accompany any complainant, witness, or respondent to, and may participate in, any meeting regarding a disciplinary complaint. Advisors also may accompany complainants, respondents, and witnesses to hearings, but generally may not participate directly in such hearings (except as provided in section II.F.4.f and g. (p. ) below). Advisors may, however, quietly provide advice during the hearing and may also make a brief statement at the conclusion of the hearing, before the panel begins its deliberations.
- d. Any advisor who fails to observe the procedures of this Charter or comply fully and promptly with decisions of the DHO may, after appropriate warning, be disqualified by the DHO from continuing to serve. In the event of such disqualification, the hearing may proceed whether or not a replacement advisor is available or it may be rescheduled at the sole discretion of the DHO. Any person disqualified from serving as an advisor will be ineligible to serve as an advisor for a period of two years. Repeated disruption of disciplinary hearings or the disciplinary process by an advisor may result in charges against the advisee of non-cooperation with the Student Disciplinary System. If the advisor is a member of the student body, faculty, or staff or the University, disciplinary charges may be brought against the advisor in the appropriate forum.

## II. The Disciplinary Process

### A. Bringing a Complaint to the Office of Student Conduct

1. Any member of the University community, who believes that a student has violated University rules, regulations or policies may file a complaint, which must be in writing, with the OSC. Students, faculty, staff members and trustees also may consult informally with the OSC staff to determine whether they wish to file a complaint. Others should consult with the Director about whether they may file a complaint under the Student Disciplinary System. Complaints made to other University offices or personnel also may be referred to the OSC. A complaint asks the OSC to consider the matter for possible referral or investigation.
2. The OSC promptly evaluates each complaint it receives to determine whether the University's Code of Student Conduct, Code of Academic Integrity, or other applicable rules, regulations or policies may have been violated. When the OSC determines that no such violation may have occurred, it may dismiss the matter without further investigation, or it may refer the parties to the University Mediation Program or elsewhere to resolve their dispute. When the OSC determines that a violation may have occurred, it may refer the matter for mediation or undertake an investigation that may lead to the filing of formal charges against a student or students.
3. A complaint is not a charge that a student has violated University regulations. Charges against a student are only made by the University (not by complainants) following an investigation. Until there is a determination to the contrary by voluntary agreement to sanctions or by a Disciplinary Hearing Panel, there is a presumption that an accused student has not violated University rules, regulations, or policies.
4. When a complaint is filed, the OSC promptly gives written notice of the complaint and its allegations to the student(s) alleged to have violated University rules. A copy of the Charter will be included with the notice, as well as a list of potential advisors who have received training from the OSC.

### B. Resolving a Complaint by Mediation

1. The University encourages informal mediation whenever practical and appropriate. If the parties agree, at any time the OSC may refer any disciplinary matter other than an alleged violation of the Code of Academic Integrity to the University Mediation Program (UMP) or other resources for mediation. Members of the University community may also contact the University Mediation Program directly.
2. It is within the sole discretion of the OSC to determine whether a disciplinary complaint is suitable for mediation. If mediation fails or new information comes to light about an unresolved matter then in mediation, the OSC may proceed with an investigation and the filing of disciplinary charges. The OSC may also set a date after which it will begin to investigate the original complaint or file charges if a matter has not been successfully mediated.
3. If the OSC refers a complaint for mediation and both parties to the dispute agree to participate, the UMP will assign a trained mediator and advise the complainant(s) and respondent(s) in advance of the date, time and place set for mediation. In order to resolve a disciplinary matter by mediation, both the complainant and the respondent must agree, first, to participate in the mediation and, second, to the proposed resolution.
4. If a student fails to comply with the terms of a mediation agreement, the OSC may take steps to enforce the agreement (including use of a Disciplinary Hold or the filing of new charges under the Code of

Student Conduct) or may investigate the original complaint and bring disciplinary charges under this Charter.

### C. Investigating a Complaint

1. If, after a preliminary evaluation of a complaint, the OSC determines that a violation of the Code of Student Conduct may have occurred and if the complaint is inappropriate for mediation or mediation fails, the OSC then will investigate the complaint and determine whether to bring charges of a violation.
2. In the course of its investigation, the OSC may interview any witnesses, including the respondent(s) or potential respondent(s). The OSC will inform each witness that anything they say in such interviews may be introduced as evidence at a hearing.
3. Except in extraordinary circumstances, or if the complainant makes a request of the OSC to delay the investigation based on good cause, the OSC will make every effort to complete its investigation within 60 days of the filing of the complaint.

### D. Filing Charges by the University Against a Student

In light of its investigation of a complaint, the OSC may file charges against a student(s) of a violation(s) of the University's Code of Student Conduct, Code of Academic Integrity, or other University rules, regulations, or policies. The OSC also may add charges beyond the scope of the original complaint, may add additional students as respondents, or may dismiss the original complaint as unfounded. If the OSC decides to charge a student with a violation of University regulations, the OSC must inform the respondent(s) of the charges in writing, identifying the University rules, regulations, or policies alleged to have been violated. The OSC will inform both respondent(s) and complainant(s) whether charges have been filed.

### E. Resolving Charges by Voluntary Agreement to Sanctions

1. Following the notice that charges have been filed against a student, the OSC may discuss with the respondent and the respondent's advisor what disciplinary sanction(s) would be appropriate to resolve the matter by voluntary agreement to sanctions. The respondent may accept, reject, or propose an alternative to the proposed sanction(s) and may be accompanied and assisted by an advisor, who may participate in these discussions. Statements made during discussions about whether a respondent will enter into a voluntary agreement to sanctions may not be introduced as evidence at any subsequent hearing, but may provide a basis for further investigation by the OSC.
2. A resolution by voluntary agreement to sanctions may be entered into by written agreement at any time after a complaint has been filed and prior to a disciplinary hearing. All sanctions allowed under this Charter are available to the OSC as part of a resolution by voluntary agreement to sanctions. By agreeing to such a resolution, a respondent waives further proceedings under this Charter.
3. Complainants and complainants' advisors are not parties to voluntary agreements to sanctions.
4. If, in the judgment of the OSC, a voluntary agreement to sanctions is not reasonably in prospect, or if the respondent(s) reject(s) a proposed sanction, the OSC may bring the disciplinary matter to a hearing.

### F. Resolving Charges by Disciplinary Hearing

#### 1. Scheduling Disciplinary Hearings

- a. If disciplinary charges are not resolved by a voluntary agreement to sanctions, the Disciplinary Hearing Officer (or designee) promptly begins the process of scheduling the Disciplinary Hearing, with due regard for the time required for all parties to prepare for the hearing. The DHO will provide reasonable advance notice in writing to the complainant(s), respondent(s), and witnesses of the date, time, and place of the hearing and of the names of the panel members assigned to hear the disciplinary matter.
- b. Hearings normally take place as soon as possible after the filing of charges, ordinarily within 30 days of the respondent's request for a hearing or OSC's decision to bring the matter to a hearing. Upon a showing of good cause by a party, the DHO may grant a reasonable extension of any time limit relating to a disciplinary hearing set forth in the Charter.
- c. The DHO may expedite a Disciplinary Hearing in appropriate circumstances, including disciplinary matters involving students who have been placed on mandatory temporary leave of absence or conditional attendance, graduating students, or students who are about to take a leave of absence or to leave campus to study elsewhere.

#### 2. Disqualification of Hearing Panel Members

- a. Members of the Hearing Panel selected by the DHO (or designee) should disqualify themselves from hearing a disciplinary matter if they believe in good faith that their capacity for making an objective judgment in the disciplinary matter is, or may reasonably appear to be, impaired. Members should not disqualify themselves for any other reason.
- b. The respondent(s) or the OSC may object for specific cause to any panel member selected by the DHO. The objection must be in writing and must be received by the DHO at least 48 hours in advance of the date and time set for the hearing.
- c. The DHO will rule upon all disqualification requests and objections to panel members. If the DHO decides that a challenge is valid, or if there is a voluntary disqualification, the DHO, after notifying the respondent(s) and the OSC, will replace the disqualified member with another panel member randomly selected from the same category.

#### 3. Pre-Hearing Exchanges and Testimony

- a. Within a reasonable time before the hearing or any other time frame specified by the DHO, the OSC and the respondent(s) will exchange among themselves and with the DHO copies of all exhibits to be presented, the names of witnesses to be called, and a brief summary of the substance of testimony expected to be presented to the Hearing Panel.
- b. When the DHO believes that it will contribute to the expedition and fairness of a Disciplinary Hearing, he or she may (but need not) ask the OSC to prepare a written statement of its case against the respondent(s) and give the respondent(s) a reasonable opportunity to prepare a written response. The OSC and the respondent(s) may also submit statements at their own initiative. The statements and any accompanying exhibits may be considered by the Hearing Panel, in addition to testimony, arguments, or evidence presented at the actual hearing.
- c. In exceptional circumstances, when a witness or exhibit does not become known or available until immediately before the hearing, the DHO may, at her or his discretion, permit the evidence to be presented or may reschedule the hearing to a later time.

- d. If a respondent or the OSC anticipates that a key witness will be unavailable for a hearing, they may ask the DHO to preserve the testimony of the witness on tape and present it as evidence at the hearing. The OSC and the respondent(s) must be notified in advance of the date, time and place of the taping. All parties who would be permitted to question such a witness at a hearing may question the witness at the taping.

#### 4. Conduct of Hearings

- a. Disciplinary hearings are not trials, and they are not constrained by technical rules of procedure, evidence, or judicial formality. They are designed to encourage open discussion among the participants that promotes the Hearing Panel's understanding of the facts, the individuals involved, the circumstances under which the incident occurred, the nature of the conduct, and the attitudes and experience of those involved. The rules of evidence applicable to legal proceedings do not apply to disciplinary hearings. Information, including hearsay evidence, may be considered if it is relevant, not unduly repetitious, and the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs.
- b. The DHO presides over all hearings and decides all questions about the admissibility of evidence and the conduct of hearings. While the DHO may be present for the Hearing Panel's discussions to answer procedural questions, the DHO does not deliberate or vote with the Panel regarding its findings or its recommendation of sanctions.
- c. Disciplinary hearings are held in private unless the respondent(s) and the complainant(s) agree in writing to an open hearing. The DHO may limit attendance at a hearing to ensure fair and orderly proceedings. If a hearing is opened in accord with this procedure, the DHO may, when necessary to maintain order or to protect the rights of participants, declare the hearing closed to the public. In a case involving important privacy interests, the DHO may close a hearing or part of a hearing that has been opened upon determining that the privacy rights of a participant may be jeopardized.
- d. Upon a showing that the required notice was provided, the hearing against a respondent(s) may proceed in her or his absence.
- e. At the hearing, the OSC presents the results of the OSC's investigation of the complaint, calls witnesses to testify and presents the University's evidence against the student(s). Members of the Hearing Panel may also call witnesses to testify and may question any witness appearing before it. Respondents may also call witnesses to testify and ask questions of all witnesses.
- f. A respondent is responsible for presenting his or her own case before the Hearing Panel. However, at the discretion of the DHO, the respondent's advisor may be permitted to question witnesses on behalf of a respondent or to address the Hearing Panel. The DHO's exercise of discretion in this matter will be guided by the principles that govern disciplinary hearings, specifically fairness, the need for orderly procedures, and the Hearing Panel's duty to understand the facts and parties in the disciplinary matter.
- g. Complainants may attend the hearing, testify if they wish to do so, and may be accompanied by an advisor. Except as described in section II.J. (p. ) of this Charter, neither complainants nor their advisors may call witnesses or present evidence or arguments.

- h. At the conclusion of the hearing, the OSC and the respondent(s) or their advisor(s) may make brief statements. At the discretion of the Disciplinary Hearing Officer, the complainant(s) or their advisor(s) may be permitted to make a brief statement. The time allowed for such statements will be set by the DHO.

- i. The OSC will arrange for a verbatim transcript or recording to be made of all disciplinary hearings. The transcript or recording is the property of the University of Pennsylvania and becomes part of the record of the disciplinary proceedings.

#### 5. Findings and Recommendations of the Hearing Panel

- a. Only evidence presented at the hearing will be considered by the Hearing Panel. The Hearing Panel will presume a respondent innocent unless proven responsible for a violation by clear and convincing evidence. All decisions of the Hearing Panel require a majority vote.
- b. Following the hearing, the members of the Hearing Panel meet to discuss in private their findings, which consist of two parts:
  - i. a determination of whether the respondent is responsible for any violation; and
  - ii. if so, a recommendation of sanction(s).
- c. The OSC may recommend to the Hearing Panel a sanction to be imposed if the Hearing Panel finds the respondent(s) responsible for a violation. The respondent(s) may respond to the OSC's proposed sanction(s). Before the Hearing Panel makes its recommendation on sanctions, it will review any previous disciplinary offenses by and sanctions against the respondent(s) and sanctions imposed in other similar cases.
- d. If the Hearing Panel determines that the respondent(s) is not responsible for a violation, no sanction may be recommended against the respondent(s) and the respondent may not be subject to further proceedings under this Charter on the same charge(s).
- e. If the Hearing Panel finds that a student is responsible for a violation of University rules or regulations, it will recommend to the Provost appropriate sanctions. Only the Provost (or designee), acting on behalf of the University, may actually impose a sanction on a student. The Provost (or designee) will not impose a sanction until after any appeal of the Hearing Panel's decision has been decided by the DAO.

#### 6. Notice of Hearing Panel Decision

The Hearing Panel will promptly transmit its decision, including its findings and recommendation regarding sanctions, in writing to the DHO, the OSC, the respondent(s) and the Provost as soon as possible after the end of the hearing.

### G. Appealing a Hearing Panel's Decision

1. The Disciplinary Appellate Officer (DAO) has exclusive jurisdiction to decide appeals. Appeals are based solely on the record of the disciplinary hearing and the written submissions and responses of the respondent(s) and the OSC.
2. Only respondent(s) may appeal the Hearing Panel's findings of responsibility except where applicable laws or regulations may extend this right to complainants. Both the respondent(s) and the OSC may appeal the Hearing Panel's recommendation of sanction(s). An appellant must submit any appeal to the DAO in writing within 10 days after the Hearing Panel has rendered its opinion. The appeal must state in detail the specific grounds upon which it is based and must be sent to the OSC and respondent(s), as appropriate.
3. When the appeal is received, the OSC provides the DAO with a copy of the respondent's charge letter, a copy of the Hearing Panel's findings, a verbatim transcript or tape recording of the Disciplinary

Hearing, and any exhibits considered by the panel in reaching its recommendations. A response to an appeal must be in writing and must be submitted to the DAO within 10 days from the date the appeal is filed.

4. Appellate review is limited to allegations of material and prejudicial procedural error in the conduct of hearings, error in the interpretation or application of relevant University regulations, consideration of new evidence sufficient to alter the Hearing Panel's findings or severity of the recommended sanctions. If the DAO finds sufficient basis, he or she may reverse or modify the Hearing Panel's findings or proposed sanctions, or may remand the disciplinary matter for further investigation by the OSC or a new hearing before a new Hearing Panel. However, the DAO may not recommend a more severe sanction(s) unless the OSC has appealed the sanction(s) recommended by the Hearing Panel.
5. After considering an appeal, the Disciplinary Appellate Officer will promptly issue his or her decision in writing and will provide copies to the OSC, the DHO, the Provost, the respondent(s) and other appropriate parties.

## H. Imposing Sanctions on a Student

1. Sanctions recommended against a respondent by a Hearing Panel or the DAO are imposed by the Provost (or designee) and may include any reasonable sanction, including, but not limited to, the following:
  - **Warning:** A Warning is a written admonition given by the OSC on behalf of the University in instances of minor misconduct.
  - **Reprimand:** A Reprimand is written censure for violation of the University's rules, regulations, or policies, given by the OSC on behalf of the University, which includes notice to the student that continued or repeated conduct violations will result in the imposition of more serious sanctions.
  - **Fine:** A monetary Fine may be levied as a disciplinary sanction and is payable to the Trustees of the University of Pennsylvania. (Not appropriate in cases of academic integrity violations.)
  - **Restitution:** Restitution is reimbursement for the damage, loss, or misappropriation of University, private or public property or compensation for injury to individuals. Restitution may take the form of monetary payment, property, or appropriate service. (Not appropriate in cases of academic integrity violations.)
  - **Disciplinary Probation:** Disciplinary Probation may be imposed for a specified period or indefinitely (i.e., for as long as and whenever a student is a full- or part-time student at the University of Pennsylvania). Probation may be imposed for a single instance of misconduct or for repeated minor misconduct. Any future conduct or academic integrity violation by a student on Disciplinary Probation, found to have occurred during the probationary period, may be grounds for suspension or, in especially serious instances, expulsion from the University.
  - **Withdrawal of Privileges:** Withdrawal of Privileges is the denial of specified privileges or the ability to participate in specified activities for a designated period of time.
  - **Suspension:** Suspension is the termination of student status and separation from the University until a specified date. Suspension means the loss of all rights and privileges normally accompanying student status. While on disciplinary suspension, students may not obtain academic credit at the University or elsewhere toward completion of a University of Pennsylvania degree. Students are eligible to return to the University after the specified suspension term has elapsed. Suspension is imposed in instances of serious misconduct; it is generally the minimum

sanction imposed for a violation of the Code of Academic Integrity.

- **Indefinite Suspension:** An Indefinite Suspension is termination of student status and separation from the University for an unspecified period, without an automatic right of return to the University as a student (though specific conditions for return as a student may be specified). When the conditions of an Indefinite Suspension have been fulfilled, the student must make a formal request, as specified in the conditions, to return to student status. Indefinite suspension is imposed in instances of extremely serious misconduct or in instances of continued serious misconduct following the imposition of probation or suspension for a specified period.
  - **Expulsion:** Expulsion is a permanent termination of student status and permanent separation from the University of Pennsylvania. Expulsion is imposed in instances of the most serious misconduct or in instances of continued serious misconduct following the imposition of probation or suspension.
2. In addition to the sanctions defined above, students may be required to perform a designated number of hours of University or other community service or to utilize University or other educational or counseling services related to the nature of the misconduct.
  3. Sanctions may be imposed alone or in combination with other sanctions. The Disciplinary Hearing Panel or the DAO may recommend whether the sanctions should appear on the transcript of a respondent and if so, for how long.
  4. After the imposition of sanctions, a faculty member involved in an academic integrity matter will be informed of the outcome of the disciplinary proceedings. If the student has been found not to be responsible for an academic integrity violation, the instructor should assign a grade (which may differ from the grade originally assigned) based on the student's academic performance in the course. If the student has been found responsible for an academic integrity violation, the instructor may assign any grade the instructor deems appropriate. In the event that the student believes the final grade is unfair or fails to take account of the outcome of the disciplinary proceeding, the student may appeal the grade through the existing academic grievance procedure for the evaluation of academic work established by each School and academic department.

## I. Fulfilling Sanctions Imposed by the University

1. Under the Code of Student Conduct, students are required to comply with all disciplinary sanctions. Failure to do so constitutes a violation of the Code and is itself subject to disciplinary proceedings by the OSC.
2. The OSC monitors the implementation and fulfillment of sanctions. In performing this duty, the OSC will have the cooperation of the Division of University Life, the respondent's Dean, and other appropriate University offices. No sanction will be enforced while an appeal is pending.

## J. Special Procedures for Sexual Misconduct Cases

In sexual misconduct and other sex discrimination cases, the OSC will follow applicable federal law, including Title IX of the Higher Education Amendments of 1972, as amended.

The complainants in sexual misconduct cases have rights and responsibilities similar to the respondents under this Charter. The time frames set for respondents also apply to complainants and when

notice is required to be provided to the respondent, similar notice will be provided to the complainant.

#### 1. *Specified Rights of Complainants in Sexual Misconduct Cases*

The complainant will have an opportunity to participate in the entire disciplinary process, including the opportunity to provide information and witnesses during the investigation to participate in the preliminary exchange of information, to attend the disciplinary hearing, and to present evidence and witnesses at the hearing. The complainant will have an opportunity equal to the respondent to have others present during meetings and at the disciplinary hearing. The complainant will be informed of the outcome of his or her complaint and any appeal.

#### 2. *Investigation and Pre-Hearing Stages*

- a. An OSC staff member will ordinarily meet with the complainant to hear or clarify his or her account of the incident and to review the disciplinary process. To initiate a formal complaint, the complainant must submit a written complaint.
- b. OSC will make every effort to complete its investigation within 60 days from the filing of a formal complaint. In extraordinary cases, such as when the gathering of information is completely under the control of law enforcement, OSC's investigation may be delayed. In the event of such delay, OSC will advise the complainant of the reason for the delay. An investigation may also be delayed upon the complainant's request based on good cause.
- c. During the investigation, and until resolution of the matter, interim restrictions, including restrictions on contact between the complainant and the respondent, may be imposed by OSC. Nothing in this Charter precludes other University officials from taking appropriate interim measures before a disciplinary matter is resolved.
- d. The complainant will be notified of the outcome of the investigation. Further, if there is a voluntary agreement to sanctions, the complainant will be informed of the provisions of the agreement that directly relate to the complainant.
- e. Subject to any Family Educational Rights and Privacy Act (FERPA) limitations, the complainant will have a similar opportunity as the respondent to review evidence to be presented at the hearing.

#### 3. *Disciplinary Hearings*

- a. The complainant will have a similar opportunity as the respondent to object to panel members for cause. In addition, the complainant will have an equal opportunity to prepare a written statement in advance of the hearing and to respond to any written statement prepared by the respondent or OSC before the hearing.
- b. The complainant's advisor (who must be a member of the University community) may participate in a hearing to the same extent as the respondent's advisor. At the discretion of the DHO, a complainant's advisor may be permitted to question witnesses.
- c. Alternative testimony options will be offered to complainants, such as placing a privacy screen in the hearing room or allowing the complainant to testify from another room via closed circuit television. Generally, questions between the complainant and the respondent will be relayed through the DHO, but if both agree, they can address each other directly. The DHO reserves the right to exclude questions he/she deems irrelevant or duplicative.

- d. The complainant may call witnesses (including character witnesses) at the hearing, ask questions of all witnesses, and present evidence.
  - e. The hearing panel will presume the respondent not responsible unless proven responsible by a preponderance of the evidence.
  - f. The complainant may respond to the proposed sanctions OSC submits to the hearing panel.
- #### 4. *Appeal of a Hearing Panel Decision*
- a. The complainant may appeal the hearing panel's findings and/or recommended sanctions. In addition, the complainant may respond to an appeal by the respondent or OSC.
  - b. The complainant will be provided with written notice of the outcome of the appeal at the same time as the respondent.

## III. Additional Matters

### A. Administration of the Disciplinary System

1. The Provost is responsible for implementation of this Charter, administrative oversight of the Student Disciplinary System, including the OSC, and ensuring that the Student Disciplinary System functions fairly and in furtherance of the educational mission of the University. The Provost may instruct the OSC regarding the handling of specific cases, but he or she may not so instruct the DHO, the DAO, or the members of Disciplinary Hearing Panels.
2. When circumstances warrant, the OSC may take such administrative steps as may be necessary and feasible to effect the prompt resolution of a disciplinary matter, including, but not limited to, tape recording the testimony of witnesses who may be unavailable at the time of hearing, making special arrangements to ensure the attendance of complainants, respondents, witnesses, or other participants at a hearing and scheduling hearings outside of the normal academic year.
3. In any disciplinary matter in which a member of the Student Disciplinary System cannot perform her or his duties under this Charter, an alternate may be designated by the Provost using the procedures appropriate to that individual's position in the system. In addition, when the Provost determines that circumstances warrant, such as (but not limited to) when a conflict of interest or a particularly complex or controversial disciplinary matter arises, the Provost may appoint a special OSC staff member, a special Disciplinary Hearing Officer, or a special Disciplinary Appellate Officer using the procedures appropriate to the position.

### B. Reports to the University Community

1. Subject to the limitations imposed by law and the University's policies on the confidentiality of student records and information, the OSC and the University Honor Council, in consultation with the Provost, will make periodic reports to inform the University community about the character and extent of the work of the Disciplinary System, including the nature of violations of University rules and regulations and the sanctions imposed. The reports of the OSC will deal both with disciplinary matters that go to hearing and with disciplinary matters that are resolved before hearing, and will include such information as the total number of disciplinary matters handled during the preceding year broken down by type of resolution (e.g., mediation, voluntary agreement to sanctions, hearing, etc.), by type of violation, by type of sanction(s) imposed, by whether or not the respondent(s) were found responsible for a violation, and so forth.
2. With the approval of the Provost, the OSC may also make extraordinary reports to the University community concerning the

outcome of certain exceptional disciplinary matters, subject to the limitations imposed by law and the University's policies on the confidentiality of student records and information.

### C. Disciplinary Holds

At any time after the filing of a complaint, the OSC, after consulting with the student's academic dean, may place a "Disciplinary Hold" on the academic and/or financial records of any student for the purpose of preserving the status quo pending the outcome of proceedings, enforcing a disciplinary sanction, or ensuring cooperation with the Student Disciplinary System. A Disciplinary Hold may prevent, among other things, registration, the release of transcripts, and the awarding of a degree.

### D. Mandatory Leave of Absence and Conditional Attendance

In extraordinary circumstances, when a student's presence on campus is deemed by the University to be a threat to order, health, safety, or the conduct of the University's educational mission, the Provost (or designee), in consultation with the student's Dean or Associate Dean, may place the student on a mandatory temporary leave of absence or impose conditions upon the student's continued attendance, pending a hearing of disciplinary charges. When reasonably possible, the student will be provided with an opportunity to be heard before a decision is made by the Provost (or designee) to impose a mandatory temporary leave of absence or conditions on the student's attendance. At the respondent's request, and where feasible, the OSC may expedite the investigation of a complaint and the disciplinary hearing against a student placed on a mandatory temporary leave of absence or conditional attendance.

### E. Civil or Criminal Proceedings

The University may proceed with disciplinary proceedings against a student under this Charter regardless of possible or pending civil claims or criminal charges arising out of the same or other events. The OSC, with the concurrence of the Provost and after consultation with the University's General Counsel, will determine whether to proceed with charges against a student who also faces related charges in a civil or criminal tribunal. If the University defers proceeding with disciplinary charges against a student in light of related charges in a civil or criminal tribunal, the University may at any subsequent time proceed with disciplinary proceedings against that student under this Charter irrespective of the time provisions set forth in this Charter.

### F. Disciplinary Records

#### 1. Maintenance of Records

Except as may be otherwise provided by applicable law, records of all complaints, disciplinary proceedings, mediations, and voluntary agreements to sanctions are maintained by the OSC in accordance with the University's Protocols for the University Archives and Records Center and University policies on the confidentiality and maintenance of student records.

#### 2. Confidentiality

Except as may be otherwise provided by applicable law, all disciplinary proceedings, the identity of individuals involved in particular disciplinary matters, and all disciplinary files, testimony, and findings are confidential, in accordance with University policies and federal law concerning the confidentiality of student records. However, no provision of this Charter or the University's policies on confidentiality shall be interpreted as preventing a student from seeking legal advice.

#### 3. Policy Violation of Confidentiality

Failure to observe the requirement of confidentiality of a disciplinary hearing by any member of the University community, other than the respondent, constitutes a violation of University rules and may subject the individual to the appropriate procedures for dealing with such violations. The respondent may disclose confidential information pertaining to him- or herself but may not violate the confidentiality of others. If the respondent discloses, causes to be disclosed, or participates in the disclosure of information that is confidential, any person whose character or integrity might reasonably be questioned as a result of such disclosure shall have the right to respond in an appropriate forum, limited to the subject matter of the initial disclosure.

### G. Release of Information on Disciplinary Proceedings

1. To provide students involved in disciplinary matters with appropriate liaison with their School offices in regard to their academic work, the Dean or appropriate Associate Dean of the School(s) of the respondent(s) will be confidentially informed when a complaint is filed, when a sanction is imposed, or when a disciplinary complaint is otherwise resolved by the Student Disciplinary System. When a sanction is imposed, the Director of Career Planning and Placement may be informed by the OSC if the sanction(s) is reportable outside the University. When a transcript notation is required as part of a sanction, the University Registrar is also informed and required to implement the sanction as directed by the OSC on behalf of the Provost.
2. As required by law, in disciplinary matters involving allegations of sexual offenses, the complainant(s) will be informed of the outcome of the proceeding, including voluntary agreement to sanctions.

### H. Reportability of Sanctions

1. Subject to applicable law and the University's policies on the confidentiality of student records and information, any disciplinary sanction may be reportable outside the University of Pennsylvania, subject to specific policies governing the reporting of sanctions adopted by the Council of Undergraduate Deans for undergraduate students and the Council of Graduate Deans for graduate and professional students.
2. Resolution of disciplinary charges by voluntary agreement to sanctions is treated like a finding of responsibility and is reportable in the same manner as sanctions imposed following a Disciplinary Hearing.

### I. Amendment of the Charter

Amendments to this Charter may be recommended by the UHC, OSC, University Council, Faculty Senate Executive Committee, or other appropriate members of the University community and proposed by the Provost. Amendments take effect upon the approval of the Council of Deans, except that the Council of Deans may at its discretion refer proposed amendments to the Deans and faculties of the individual Schools for approval.

(Source: Almanac, April 10, 2012, Volume 58, No. 12 (<http://www.upenn.edu/almanac/volumes/v58/n29/discipline.html>))

# CLASSROOM GUIDELINES

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## No Eating, Drinking or Smoking

Based on recommendations that were made by the Classroom Facilities Review Committee in their report on February 11, 1992 (Almanac, March 17, 1992), we are currently upgrading the conditions of the central-pool classrooms throughout the University. That report also underscored the need for the University Community to adhere to University guidelines that encourage everyone NOT to eat, drink or smoke in a University classroom.

Faculty and teaching assistants should take responsibility for the classrooms in which they teach. This responsibility includes:

- making sure that food and drink never enter the classroom;
- not allowing anyone to smoke in the classroom;
- seeing that students remove any personal items they bring into the classroom; and
- reporting to the building administrator any classroom in need of maintenance, housekeeping, or equipment repairs.

Classrooms can only be maintained at an acceptable level if the above guidelines are maintained and enforced.

(Source: Almanac, September 8, 1992 (<https://almanac.upenn.edu/archive/v39pdf/n02/090892.pdf>))

# CLOSED CIRCUIT TELEVISION MONITORING AND RECORDING OF PUBLIC AREAS FOR SAFETY AND SECURITY PURPOSES

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## I. Purpose

The purpose of this policy is to regulate the use of closed circuit television (CCTV) cameras to monitor and record public areas for the purposes of safety and security.

## II. Scope

This policy applies to all personnel, UPHS, schools and centers of the University, in the use of CCTV monitoring and recording. Legitimate uses of this technology related to research are covered by University policies governing research with human subjects and, therefore, excluded from this policy.

## III. General Principles

1. The Division of Public Safety is committed to enhancing the quality of life of the campus community by integrating the best practices of public and private policing with state-of-the-art technology. A critical component of a comprehensive security plan using state-of-the-art technology is closed circuit television (CCTV).
2. The purpose of CCTV monitoring of public areas by security personnel is to deter crime and to assist the Penn Police in protecting the safety and property of the University community. Any diversion of security technologies and personnel for other purposes (e.g., CCTV monitoring of political or religious activities, or employee and/or student evaluations) would undermine the acceptability of these resources for critical safety goals and is therefore prohibited by this policy.
3. Video monitoring for security purposes will be conducted in a professional, ethical and legal manner. Personnel involved in video monitoring will be appropriately trained and continuously supervised in the responsible use of this technology. Violations of the Code of Procedures for video monitoring referenced in this policy will result in disciplinary action consistent with the rules and regulations governing employees of the University.
4. Information obtained through video monitoring will be used exclusively for security and law enforcement purposes. Information obtained through video monitoring will only be released when authorized by the Vice President of Public Safety according to the procedures established in this policy.
5. Video monitoring of public areas for security purposes will be conducted in a manner consistent with all existing University policies, including the Non-Discrimination Policy, the Sexual Harassment Policy, Open Expression Guidelines and other relevant policies. The code of practice for video monitoring prohibits monitoring based on the characteristics and classifications contained in the Non-Discrimination Policy (e.g., race, gender, sexual orientation, national origin, disability, etc.)

6. Video monitoring of public areas for security purposes at the University is limited to uses that do not violate the reasonable expectation to privacy as defined by law.
7. To maintain an informed University community, the Division of Public Safety will periodically disseminate written materials describing the purpose and location of CCTV monitoring and the guidelines for its use. The location of outdoor CCTV cameras monitored by the Division of Public safety will be published in Almanac.
8. Information obtained in violation of this policy may not be used in a disciplinary proceeding against a member of the University faculty, staff or student body.
9. All existing uses of video monitoring and recording must comply with this policy.

## IV. Responsibilities

1. The Division of Public Safety is the department authorized to oversee and coordinate the use of CCTV monitoring for safety and security purposes at the University. All University areas using CCTV monitoring are responsible for implementing this policy in their respective operations. Public Safety has primary responsibility for disseminating the policy and assisting other units in implementing the policy and procedures.
2. The Vice President of Public Safety has the responsibility to authorize all CCTV monitoring for safety and security purposes at the University. All new installations will follow the Division of Public Safety operating principles. All existing CCTV monitoring systems will be evaluated for compliance with this policy.
3. The Division of Public Safety will monitor new developments in the relevant law and in security industry practices to ensure that CCTV monitoring at the University is consistent with the highest standards and protections.
4. A CCTV Monitoring Committee will be established to assure that the Division of Public Safety adheres to established policy and procedure in the use of CCTV and to review camera locations and request for release of recorded video images.
  - a. The CCTV Monitoring Committee will consist of seven members who will serve for a term of one year.

The Chairperson of the University Council's Committee on Campus & Community Life or his/her designee will serve as chair.  
 Two faculty members appointed by the Chair of the Faculty Senate  
 One member appointed by the President  
 One student member  
 One staff member  
 Representative of the Office of Audit & Compliance & Privacy

An individual may appeal an adverse decision by the CCTV Monitoring Committee through existing University appeal mechanisms such as the Committee on Open Expression or the University Ombudsman.

- a. The CCTV Monitoring Committee will review camera locations to ensure the perimeter of view of public cameras conforms to this policy.

The proposed location of permanent CCTV cameras will be provided to the CCTV Monitoring Committee for review and published in the Almanac before installation. A list of all

University-owned or controlled camera locations will be published semi-annually in Almanac and made available by the Division of Public Safety to anyone requesting the list.

The locations of temporary cameras to be used for special events will be reviewed by the CCTV Monitoring Committee for approval and published in Almanac before the event if possible.

(Note: "Temporary cameras" does not include mobile video equipment or hidden surveillance cameras used for criminal investigations.)

Included with the list of CCTV camera locations will be a general description of the technology employed and the capabilities of the cameras.

Students and staff entering certain sensitive locations on campus may have an increased concern for privacy or confidentiality. In order to prevent a possible chilling effect on the use of service at these locations, concerned persons may petition the CCTV Monitoring Committee to forgo the installation of a proposed camera or for the removal of an existing camera. The CCTV Monitoring Committee will determine the appropriateness of an installation weighing the concerns of the person(s) making the requests and the safety and security of the entire community.

In recognizing students may also have an enhanced expectation of privacy in the hallways and lounges of residence facilities, CCTV monitoring for safety and security purposes will not be used in residential hallways and lounges unless the Vice President of Public Safety determines a specific safety/security risk exists.

The CCTV Monitoring Committee will review complaints regarding camera locations and determine whether the CCTV Monitoring Policy is being followed. The panel should weigh whether the potential increment in community security outweighs any likely infringement of individual privacy.

- c. The CCTV Monitoring Committee, with the Vice President of Public Safety, will review all requests received by the Division of Public Safety to release recorded video images obtained through CCTV monitoring. No releases of recorded video images will occur without authorization by the Vice President and the CCTV Monitoring Committee. Excluded from review by the CCTV Monitoring Committee are releases of recorded video images directly related to a criminal investigation, arrest or subpoena. The CCTV Monitoring Committee may also approve release of recorded video images only for legitimate purposes, such as to protect the University and its members from harm or liability. Five affirmative votes are necessary to approve the release of recorded video images. Any release of recorded video images will be recorded on a written log.
- d. Any member of the CCTV Monitoring Committee may audit the Division of Public Safety's CCTV monitoring operations, including video storage, at any time without prior notice.
- e. The Chair of University Council's Committee on Campus & Community Life will report to the CCTV Monitoring Committee

at least once a year describing all requests for camera locations and release of recorded video images and disposition of those requests.

- f. The CCTV Monitoring Committee will review this policy annually and recommend revisions if needed.

## V. Procedures

1. All operators and supervisors involved in video monitoring of public areas will perform their duties in accordance with the Code of Practice consistent with this policy developed by the Division of Public Safety.
2. Division of Public Safety Management will assure that responsible and proper camera monitoring practices by control operators is continuous.
3. The Division of Public Safety has posted signage at appropriate locations. Signage states: "This area is subject to Video Monitoring by the University of Pennsylvania Police Department."
4. The Division of Public Safety will limit camera positions and views of residential housing. Any view given to the housing will be no greater than what is available with unaided vision. Furthermore, the view of a residential housing facility must not violate the standard of "reasonable expectation of privacy."
5. The Division of Public Safety Central Monitoring Center and other central monitoring centers will be configured to prevent camera operators tampering with or duplicating recorded video information.
6. Recorded video will be stored for a period not to exceed 30 days and will then be erased, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the Vice President of Public Safety and the CCTV Monitoring Committee.
7. Recorded video images will be stored in a secure location with access by authorized personnel only.
8. Camera control operators will conduct video observation of areas only in plain view of others situated in the public area viewable to the public.
9. Camera control operators will be trained in the technical, legal and ethical parameters of appropriate camera use.
  - a. Camera control operators will receive a copy of this policy and provide written acknowledgement that they have read and understood its contents.
  - b. Camera control operators will receive training in cultural awareness.
10. Camera control operators will not monitor individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability, or other classifications protected by the University's Non-Discrimination Policy. Camera control operators will monitor based on suspicious behavior, not individual characteristics.
11. Camera control operators will not spot and continuously view people becoming intimate in public areas.
12. Camera control operators will not view private rooms or areas through windows.
13. Mobile video equipment may be used in criminal investigations. Mobile video equipment will only be used in non-criminal investigations in specific instances creating significant risk to public safety, security, and property as authorized in writing by the President to the Division of Public Safety and the Open Expression Committee. Portable hidden cameras with recording equipment will only be used for criminal investigation by the University Police Detective Unit with the approval of the Vice President of Public Safety.

### Examples of Video Monitoring and Recording of Public Areas

Legitimate safety and security purposes include, but are not limited to the following;

- Protection of buildings and property
- Building perimeter, entrances and exits, lobbies and corridors, receiving docks, special storage areas, laboratories, cashier locations, etc.
- Monitoring of Access Control Systems
- Monitor and record restricted access transactions at entrances to buildings and other areas.
- Verification of security alarms
- Intrusion alarms, exit door controls, hold-up alarms
- Video Patrol of Public Areas
- Transit Stops, parking lots, public streets (enclosed and unenclosed), shopping areas and vehicle intersections, etc.
- Criminal Investigation
- Robbery, burglary, and theft surveillance
- Protection of pedestrians
- Monitoring of pedestrian and vehicle traffic activity

# CODE OF ACADEMIC INTEGRITY

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Since the University is an academic community, its fundamental purpose is the pursuit of knowledge. Essential to the success of this educational mission is a commitment to the principles of academic integrity. Every member of the University community is responsible for upholding the highest standards of honesty at all times. Students, as members of the community, are also responsible for adhering to the principles and spirit of the following Code of Academic Integrity.

## Academic Dishonesty Definitions

Activities that have the effect or intention of interfering with education, pursuit of knowledge, or fair evaluation of a student's performance are prohibited. Examples of such activities include but are not limited to the following definitions:

- A. **Cheating:** using or attempting to use unauthorized assistance, material, or study aids in examinations or other academic work or preventing, or attempting to prevent, another from using authorized assistance, material, or study aids. *Example:* using a cheat sheet in a quiz or exam, altering a graded exam and resubmitting it for a better grade, etc.
- B. **Plagiarism:** using the ideas, data, or language of another without specific or proper acknowledgment. *Example:* copying another person's paper, article, or computer work and submitting it for an assignment, cloning someone else's ideas without attribution, failing to use quotation marks where appropriate, etc.
- C. **Fabrication:** submitting contrived or altered information in any academic exercise. *Example:* making up data for an experiment, fudging data, citing nonexistent articles, contriving sources, etc.
- D. **Multiple submission:** submitting, without prior permission, any work submitted to fulfill another academic requirement.
- E. **Misrepresentation of academic records:** misrepresenting or tampering with or attempting to tamper with any portion of a student's transcripts or academic record, either before or after coming to the University of Pennsylvania. *Example:* forging a change of grade slip, tampering with computer records, falsifying academic information on one's resume, etc.
- F. **Facilitating academic dishonesty:** knowingly helping or attempting to help another violate any provision of the Code. *Example:* working together on a take-home exam, etc.
- G. **Unfair advantage:** attempting to gain unauthorized advantage over fellow students in an academic exercise. *Example:* gaining or providing unauthorized access to examination materials, obstructing or interfering with another student's efforts in an academic exercise, lying about a need for an extension for an exam or paper, continuing to write even when time is up during an exam, destroying or keeping library materials for one's own use, etc.

If a student is unsure whether his action(s) constitute a violation of the Code of Academic Integrity, then it is that student's responsibility to consult with the instructor to clarify any ambiguities.

(Source: Almanac, September 10, 1996, Volume 43, No. 3) (<http://www.upenn.edu/almanac/v43/n03/codechar.html>)

# CODE OF STUDENT CONDUCT

## I. Preamble

When Benjamin Franklin founded the Pennsylvania Academy, he defined its mission as “education for citizenship.” In pursuit of this mission, the University of Pennsylvania is committed to achieving academic excellence, to creating an environment for inquiry and learning, and to cultivating responsible citizenship in the larger society.

The University of Pennsylvania is a community in which intellectual growth, learning from others, mutual tolerance, and respect for freedom of thought and expression are principles of paramount importance. In an environment that promotes the free interchange of ideas, cultural and intellectual diversity, and a wealth of social opportunities, Penn students take advantage of the academic and non-academic opportunities available to them, deepening their intellectual insights through formal instruction, and expanding their educational experience beyond their academic programs. Members of the Penn community participate actively in the greater Philadelphia, state, national, and international communities in which they reside. “Citizens” of the University community include students, faculty, staff and those otherwise affiliated with the University.

Accepting membership into the University of Pennsylvania community as a student entails an obligation to promote its welfare by assuming the rights and responsibilities listed below. Each individual member of this community is responsible for his or her own actions and is expected to respect the rights of others.

## II. Rights of Student Citizenship

Membership in the University of Pennsylvania community affords every student certain rights that are essential to the University’s educational mission and its character as a community:

- a. The right to have access to and participate in the academic and non-academic opportunities afforded by the University, subject to applicable standards or requirements.
- b. The right to freedom of thought and expression.
- c. The right to be free from discrimination on the basis of race, color, gender, sexual orientation, religion, national or ethnic origin, age, disability, or status as a disabled or Vietnam Era veteran.
- d. The right to fair University judicial process in the determination of accountability for conduct.

## III. Responsibilities of Student Citizenship

Students are expected to exhibit responsible behavior regardless of time or place. Failure to do so may result in disciplinary action by the University. Responsible behavior is a standard of conduct which reflects higher expectations than may be prevalent outside the University community. Responsible behavior includes but is not limited to the following obligations:

- a. To comply with all provisions of the University’s Code of Academic Integrity and academic integrity codes adopted by the faculties of individual schools.
- b. To respect the health and safety of others. This precludes acts or threats of physical violence against another person (including sexual violence) and disorderly conduct. This also precludes the possession of dangerous articles (such as firearms, explosive materials, etc.)

on University property or at University events without University authorization.

- c. To respect the right of fellow students to participate in University organizations and in relationships with other students without fear, threat, or act of hazing.
- d. To refrain from conduct towards other students that infringes upon the Rights of Student Citizenship. The University condemns hate speech, epithets, and racial, ethnic, sexual and religious slurs. However, the content of student speech or expression is not by itself a basis for disciplinary action. Student speech may be subject to discipline when it violates applicable laws or University regulations or policies.
- e. To refrain from stealing, damaging, defacing, or misusing the property or facilities of the University or of others. This also precludes the disruption of University computing services or interference with the rights of others to use computer resources.
- f. To be honest and truthful in dealings with the University, about one’s own identity (e.g., name or Social Security number), and in the use of University and other identification.
- g. To cooperate fully and honestly in the Student Judicial System of the University, including the obligation to comply with all judicial sanctions.
- h. To comply with all contracts made with the University, such as Residential Living Occupancy Agreements and Dining Services contracts.
  - i. To comply with policies and regulations of the University and its departments (e.g., the University’s Guidelines on Open Expression, Anti-Hazing Regulations, Drug and Alcohol Policies, Sexual Harassment Policy, etc.).
  - j. To comply with federal, state and local laws.

(Source: Almanac, September 27, 1994, Volume 41, No. 5 (<https://almanac.upenn.edu/archive/v41pdf/n05/092794.pdf>))

# CONCERTS POLICY

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The Social Planning and Events Committee (SPEC) is responsible for University concerts and other major events that involve artists' fees, except those that are related to an academic program or to the program of the Annenberg Center. SPEC also is responsible for coordinating the scheduling of such events. Student organizations or other campus groups planning a major ticketed event such as a concert, comedy show, or other event that involves the payment of professional artists' fees should contact the Office of Student Affairs for more information.

Major ticketed events such as concerts, comedy shows, or other events that involve the payment of professional artists' fees cannot be used for fund-raising purposes. The University does not have the staff or the facilities to accommodate concerts or other major ticketed events for purposes other than academic or campus activities programming. Exceptions to this policy must be approved in writing, in advance, by the Office of Student Affairs.

All funds from ticket sales for concerts and other major ticketed events sponsored by student organizations must be deposited in a University account and disbursed in accordance with established student activities guidelines.

(Source: Almanac April 26, 2011, Volume 57, No. 31 ([https://almanac.upenn.edu/archive/volumes/v57/n31/pdf\\_n31/042611.pdf](https://almanac.upenn.edu/archive/volumes/v57/n31/pdf_n31/042611.pdf)))

# CONFIDENTIALITY OF STUDENT RECORDS

## I. Statement of Purpose

The purpose of this policy is to describe the rights and responsibilities of students, faculty and staff regarding the confidentiality of student records, including as specified under the Family Educational Rights and Privacy Act ("FERPA").

## II. Scope

### A. Information

This policy pertains to personally identifiable information<sup>1</sup> contained in education records. The term "education records" generally includes records that are directly related to a student and maintained by the University or a party acting for the University.

*Exceptions:*

1. *Sole possession of the maker.* This policy does not apply to records kept in the sole possession of the maker and used only as a personal memory aid and not accessible to any other individual except a temporary substitute of the maker of the record.
2. *Peer graded papers.* This policy does not apply to grades on peer-graded papers/assignments before they are collected and recorded by a teacher.
3. *Law enforcement records.* This policy does not apply to records created and maintained by a law enforcement unit, including the Penn Police, for law enforcement purposes.
4. *Employment records.* This policy does not apply to records relating exclusively to an individual in his or her capacity as an employee except that records regarding an individual in attendance who is employed as a result of his or her status as a student.
5. *Treatment-related records.* This policy does not apply to records made or maintained by a healthcare professional that are used only in connection with treatment of the student and disclosed only to individuals providing treatment.
6. *Other FERPA exceptions.* This policy does not apply to any records or information specifically excepted from the term "education records" under FERPA and its implementing regulations, as they may be amended.

### B. Individuals

1. *Individuals in attendance.* This policy applies to students who are or have been in attendance at the University.
2. *Alumni.* In general, this policy does not apply to records that contain only information about an individual after he or she is no longer a student at the University. However, if the record relates back to the student's attendance at the University, it is still an "education record." A separate policy protecting the privacy of alumni records may be found at <http://www.upenn.edu/privacy> (<http://www.upenn.edu/privacy/>).
3. *Deceased individuals.* Neither FERPA nor this policy applies to records of deceased persons. The person responsible for such records, however, should exercise informed discretion in responding to requests for disclosures and should ensure that the person making the request has a legitimate interest in the information and that the privacy interests of the deceased and third parties are considered.

4. *Applicants.* This policy does not apply to applicants for admission. However, the admission-related records of applicants who become students at the University are subject to the policy.

## III. Notice

Penn will annually inform individuals in attendance of their rights under FERPA, including the right to consent to disclosure of personally identifiable information contained in their education records, the right to opt out of the disclosure of "directory information," the right to review and seek correction of education records, and the right to file a complaint with the Department of Education concerning the University's alleged failure to comply with FERPA.

## IV. Disclosure of Education Records

### A. Consent Required

As a general rule, personally identifiable information from education records may not be disclosed to other parties without the student's prior written or electronic consent. Such consent shall be signed (on paper or using an appropriate electronic signature method) and dated and specify records or information to be disclosed, the purpose(s) of the disclosure, and the party or class of parties to whom disclosure may be made.

### B. Consent Not Required

In certain cases (some of which are described below) personally identifiable information from education records may, and in some cases must, be disclosed from the records of a student without that individual's prior written consent. If such disclosure is made, it should be limited to that information necessary for the purpose of the disclosure. Note also that specific requirements and qualifications may apply to these exceptions.

1. To "school officials" with "legitimate educational interests."
  - a. "School officials" means employees of the University, including faculty and staff, as well as certain individuals such as vendors or contractors, performing work for the University under proper authorization.
  - b. A school official has "legitimate educational interests" in personally identifiable information in the records of a student if the information in question is required or would be helpful to the official in the performance of his or her duties.
  - c. A contractor, consultant, volunteer, or other party to whom the University has outsourced services may be considered a school official provided that the outside party
    1. performs a service for which the University would otherwise use its employees
    2. is under the direct control of the University with respect to the use and maintenance of education records and
    3. is subject to FERPA requirement governing the use and redisclosure of personally identifiable information from education records.
  - d. The University must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. Custodians of records will establish control procedures to ensure that these limitations are observed. If the custodian does not use physical or technological access controls, the custodian must ensure that its administrative policy for controlling access to education records is effective.

2. To another school where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer and the University has provided notice of the disclosure or annual notice of its policy to make such disclosures.
3. In connection with financial aid for which a student has applied, or which he or she has received, but only for such purposes as determining eligibility for financial aid, the amount of financial aid, and the conditions that will be imposed, or for enforcing the terms or conditions of financial aid.
4. To comply with a judicial order or lawfully issued subpoena provided that the University makes a reasonable effort to notify the student whose records are involved in advance of disclosing the information. Prior notification may be prohibited in certain situations. All subpoenas and court orders should be directed to the Office of General Counsel and disclosure in response to them must be approved by that office.
5. In connection with an emergency, to appropriate persons if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
6. To parents as described in Section IV.(c) (p. ) below.
7. Regarding directory information as described in Section IV.(d) (p. 44) below.
8. Other circumstances as authorized by FERPA and its implementing regulations, as they may be amended or as otherwise required by law. Questions about legal requirements should be directed to the Office of General Counsel.

### C. Parental Notification – Consent Not Required

The University's policy regarding disclosure of student information to parents is based both upon legal requirements and the University's philosophy that students should be treated as adults. The University generally will not share personally identifiable information (other than directory information) from a student's education records with third parties, including parents or guardians, without student consent, except in limited circumstances where such disclosure is permitted under FERPA (described below) and where the University determines in its discretion that disclosure is appropriate.

1. In connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
2. To the parent or legal guardian of a student under the age of 21, information regarding the student's violation of a University policy governing the use or possession of alcohol or drugs.
3. To a person who submits a written affirmation that he or she is the parent or legal guardian of a student and that the student is a dependent within the meaning of Section 152 of the Internal Revenue Code of 1954.
4. In other limited circumstances as allowed under FERPA and its implementing regulations, as they may be amended.

In cases involving a health or safety emergency or a violation of a University policy regarding the use or possession of alcohol or drugs, a decision to notify parents or guardians about information contained in an education record – and the actual communications to the parents or guardians – will be made by the Office of the Vice Provost for University Life or another senior student affairs officer, in each case after consultation with the student's school office and other appropriate offices. Whenever practicable, a student whose

parents or guardians are to be notified will be informed before such notification occurs and given an opportunity to initiate contact with his or her parents or guardians.

### D. Consent Not Required – Directory Information

"Directory Information" is generally regarded to be less sensitive than other types of information in a student's education record. The University designates as "directory information," which may be disclosed from records relating to a student without his or her consent if the student has not "opted out" of allowing such disclosure, the following categories of information: a student's name, address (local, home or electronic mail), telephone number, date and place of birth, Penn ID number, major field of study, participation in officially recognized activities (including social and honorary fraternities) and sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, and previous educational institutions attended.

Each year, a notice will be given to students concerning these categories and their right to refuse to permit the University to make any or all of them available (i.e., "opt out"). Failure to respond to the annual notice in certain cases may result in the routine disclosure of one or more of the designated categories of personally identifiable information. The University will continue to exercise informed discretion in responding to requests for directory information.

### E. Limitation on Redisclosure

As required by FERPA, the University will inform a party to whom a disclosure of personally identifiable information from the records of a student is made; that disclosure is made only on the condition that the party will not disclose the information to any other party without the student's prior written consent. Exceptions to this requirement include disclosure of directory information, disclosures to the student, to parents under appropriate circumstances, to victims of certain disciplinary matters, and disclosures pursuant to court orders and valid subpoenas.

### F. Verification of Identity and Authority

Before disclosing personally identifiable information from education records, University employees must take reasonable steps to verify the identity of the requesting party as well as their authority to have access to the information.

### V. Maintaining a Record of Disclosures

As required by FERPA, the University will maintain a record of requests for and/or disclosures of personally identifiable information from a student's education records. The record must include the identities of the requesters and recipients and the legitimate interests they had in the information. This record should be maintained with records for as long as the records themselves are maintained and may be inspected by the student.

These recordkeeping requirements do not apply to requests from or disclosures to:

1. the student;
2. a school official with a legitimate educational interest;
3. a person with written consent from the student;
4. a person seeking directory information; or
5. a federal grand jury or law enforcement agency in connection with an order or subpoena requiring nondisclosure of its existence or contents.

## VI. Right to Review Education Records & Seek Correction

**A. Individuals who are or have been in attendance at the University are entitled to inspect and review their education records upon a written request. The request to inspect or review records must be honored within 45 days after the University has received the request. The request should be directed to the office that maintains the record and such office may charge a reasonable fee for copies.**

**B. A student does not have a right to inspect or review the following:**

1. Financial records and statements of the student's parent(s), except with the written permission of the parent(s).
2. Confidential letters and statements of recommendation related to admission to an educational institution, application for employment, or the receipt of an honor or honorary recognition that were placed in a student's records after January 1, 1975, and as to which the student has executed a written waiver of his or her right to inspect and review; provided that the University uses the letters and statements only for the purpose for which they were originally intended and notifies the student upon request of the names of all individuals providing such letters and statements.
3. Other records as to which the student has executed a written waiver of his or her right to inspect and review. The University may not require a student to waive his or her rights under FERPA or this policy.
4. Those portions of records that contain information on other students.
5. Other exceptions as prescribed by FERPA and its implementing regulations, as they may be amended.

### C. Opportunity to Seek Correction

1. A student who believes that information contained in his or her education records is inaccurate or misleading or violates his or her privacy rights may request that the University amend them, and the University will decide whether to do so within a reasonable period of time.
2. If the University decides that the information is inaccurate or misleading or otherwise in violation of the privacy rights of a student, the University will amend the record and inform the student of the amendment in writing.
3. If the University declines to amend the student's records, it will so inform the student and inform him or her of the right to request a hearing to challenge the information believed to be inaccurate, misleading or in violation of his or her privacy rights. A hearing, however, may not be requested by a student to contest the appropriateness of a grade.
4. The hearing will be conducted by an individual who does not have a direct interest in the outcome of the hearing and will provide the student an opportunity to present evidence, relevant to the request to amend the student's records. The University will provide a written decision within a reasonable period of time after the hearing based on the evidence presented at the hearing. The decision will include a summary of the evidence and the reasons for the decision. Additionally, information regarding hearing procedures will be provided when the student receives notice of his or her rights.
5. If, after a hearing, the University determines that a student's challenge is without merit it will notify the student of the right

to place in his or her records a statement commenting on the challenged information and/or setting forth reasons for disagreeing with the University's decision. The University will maintain such statement with the student's record and disclose the statement whenever it discloses the portion of the record to which the statement relates.

## VII. Right to File Complaint

Students have a right to file a complaint concerning any alleged failure by the University to comply with the requirements of FERPA and its implementing regulations. A complaint may be filed with the federal office that administers FERPA:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

A complaint may be filed internally via the University's Compliance and Reporting Line by phone at 215-726-6759, or online at [www.upenn.edu/215pcomply](http://www.upenn.edu/215pcomply) (<http://www.upenn.edu/215pcomply/>).

## VIII. Waiver of Rights

A student may waive any of his or her rights under FERPA and this policy, provided that the waiver is made in writing and signed by the student. The University may not require a student to waive his or her rights under FERPA or this policy.

- <sup>1</sup> The term "personally identifiable information" includes, but is not limited to, the name of the student or family member, the address of the student or family member, identification number, biometric record, indirect identifier (such as date of birth or mother's maiden name) or other information that, alone or in combination, is linked to the student and would allow a reasonable person in the school community, without personal knowledge of relevant circumstances, to identify the student with reasonable certainty.

(Source: Almanac, March 16, 2010, Volume 56, No. 25 (<http://www.upenn.edu/almanac/volumes/v56/n25/confidentiality.html>))

# CONFISCATION OF PUBLICATIONS

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The confiscation of publications on campus is inconsistent with the University's policies and procedures, and with the ideals of the University. It is inconsistent with the University's Guidelines on Open Expression, and could violate contractual arrangements between the University and other parties.

Members of the University community who are responsible for confiscating publications should expect to be held accountable.

(Source: Almanac, July 18, 1989 (<https://almanac.upenn.edu/archive/v36pdf/n01/071889.pdf>))

# CONTRACTS

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No student may sign a contract on behalf of the University. All contracts for lectures, performing arts activities, programs and services sponsored by student organizations must be reviewed by the Associate Director of Student Life and signed by the Vice Provost for University Life or her/his approved designate.

## DEAN'S LIST

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Effective July 1, 2023, the University of Pennsylvania no longer awards the Dean's List citation.

Prior to July 1, 2023, the Dean's List citation appeared on the transcript and was awarded annually to any student who achieved a combined GPA of 3.7 for the fall and spring semesters, provided that during those two semesters, the student:

- Completed 6 or more credit units for letter grades
- Received no grades lower than C
- Completed all courses on time with no Incompletes, NRs, or GRs

A student who received a sanction of probation or greater for a violation of the Code of Academic Integrity, the Code of Student Conduct, or the Sexual Violence, Relationship Violence, and Stalking Policy was not eligible for Dean's List in the academic year in which the violation occurred. The Dean's List citation will be removed from the transcript if the finding occurs after this honor has been posted or if the violation occurs during the summer term following the academic year in which this honor was awarded.

(Source: Almanac – April 20, 2010, Volume 56, No. 30 (<http://www.upenn.edu/almanac/volumes/v56/n30/provost.html>), updated May 3, 2016, Volume 62, No. 33 (<http://www.upenn.edu/almanac/volumes/v62/n33/changes-to-policies.html>), updated July 1, 2023, see Almanac - March 28, 2023, Volume 69, No. 28 (<https://almanac.upenn.edu/volume-69-number-28/#from-the-interim-provost-and-vice-provost-for-education-penn-to-cease-awarding-deans-list>))

# DRUG FREE WORKPLACE

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## Prohibited Drug Activity

1. The University of Pennsylvania prohibits the unlawful manufacture, distribution, dispensation, sales, possession, or use of any drug by its employees in its workplace. Each University employee agrees, as a condition of employment, to abide by this policy and to notify his or her supervisor no later than five days after any conviction under a criminal drug statute for a violation that occurred in the workplace.

## Sanctions

Any University employee who violates the University's policy or who is convicted under a criminal drug statute for a violation occurring in the workplace will be subject to the University's disciplinary procedures up to and including dismissal and may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program.

## Drug-Free Workplace Program

1. The University of Pennsylvania has established a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace through such activities as "Drug Awareness Week" and training programs for supervisors;
  - b. The University's policy of maintaining a drug-free workplace through distribution of the policy to all employees;
  - c. Available drug counseling, rehabilitation and employee assistance programs such as those provided through the Faculty/Staff Assistance Program; and
  - d. The penalties that may be imposed upon employees for drug abuse violations in the workplace.
2. Each University employee will be given a copy of the University Drug-Free Workplace Policy.
3. Each employee, as a condition of employment, must agree to abide by the University's Drug-Free Workplace Policy and to notify his or her supervisor no later than five (5) days after any conviction under a criminal drug statute for a violation that occurred in the workplace. When a supervisor is notified by an employee of such a conviction, he or she will immediately notify the Vice President for Human Resources, and, if the employee is paid in whole or part from a federal grant, contract, or cooperative agreement, the Executive Director for Sponsored Programs. The Executive Director for Sponsored Programs will notify the appropriate federal agency within ten (10) days of receiving such notification.
4. An employee who violates the University policy or who is convicted under a criminal drug statute for a violation occurring in the workplace will be subject to the University's disciplinary procedure up to and including dismissal, and may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program.
5. The University will make a good faith effort to continue to maintain a drug-free workplace through implementation of the above program.

(Source: Division of Human Resources, Policy No: 705 (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/performance-and-discipline/drug-free-workplace/>))

# EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT

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The University of Pennsylvania seeks talented students, faculty, and staff with a wide variety of backgrounds, experiences, and perspectives.

The University of Pennsylvania does not discriminate on the basis of race, color, sex, sexual orientation, religion, creed, national origin (including shared ancestry or ethnic characteristics), citizenship status, age, disability, veteran status or any other class protected under applicable federal, state, or local law in the administration of its admissions, financial aid, educational or athletic programs, or other University-administered programs or in its employment practices. Questions or complaints regarding this policy should be directed to the executive director of the Office of Equal Opportunity Programs; Franklin Building, 3451 Walnut Street, Suite 421, Philadelphia, PA 19104-6106; or (215) 898-6993.

(Source: Almanac, February 13, 2025 (<https://almanac.upenn.edu/#of-record-university-of-pennsylvania-policy-on-equal-opportunity-and-equal-opportunity-and-nondiscrimination-statement>))

# EVALUATION AND CERTIFICATION OF THE ENGLISH FLUENCY OF UNDERGRADUATE INSTRUCTIONAL PERSONNEL

In 1990, the Commonwealth of Pennsylvania enacted legislation requiring that every member of an institution of high learning who teaches undergraduates be certified as fluent in the English language, if it is not his or her first language. In order to comply with this legislation, Penn instituted a set of requirements that are enforced through training and teaching performed by the Office of English Language Programs.

## I. Undergraduate Instructional Personnel

All persons hired on or after July 1, 1997, as members of the Standing or Associated Faculties, Academic Support Staff, graduate and professional student teaching staff, or as tutors, or for other undergraduate instructional duties (including, for example, leading laboratory or discussion sections or holding office hours), regardless of rank or title, in the Schools of Arts and Sciences, Engineering and Applied Science, Nursing, Wharton or the School of Design, the Annenberg School for Communication, and the Graduate School of Education, must be evaluated and certified as having met the University's standard of English fluency in the classroom before completion of the hiring process. In addition, all individuals who hold appointments elsewhere in the University and who are to be engaged in the teaching, tutoring, or other instruction of undergraduates must also be evaluated and certified before appointment.

Only members of the Visiting Faculty, instructional personnel whose entire undergraduate instruction (including office hours) will be conducted in a language other than English, and graduate students who have no direct instructional contact (including office hours) with undergraduates (e.g. some graders or research assistants) are exempt from this requirement.

## II. Standard of English Fluency in the Classroom

To be certified by the University of Pennsylvania as "fluent in the English language in the classroom," a speaker must always be intelligible to a non-specialist in the topic under discussion, despite an accent or occasional grammatical errors. General and field-specific vocabulary must be broad enough so that the speaker rarely has to grope for words. Listening comprehension must be sufficiently high so that misunderstandings rarely occur when responding to students' questions or answers. While teaching, the speaker should be able to use transitions to show the relationships between ideas, and to set main points apart from added details. When asked an ambiguous question, the speaker should be able to clarify the question through discussion with the student. When asked to restate a main point, the speaker should be able to paraphrase clearly. When challenged, the speaker should be able to defend his or her position effectively and appropriately.

Prospective instructional personnel, regardless of rank or title, who do not meet the above criteria shall not be certified and may not be assigned to any undergraduate instructional responsibilities.

## III. Certification Procedures

### A. Newly-Hired Faculty Members

Prospective members of the Standing or Associated Faculties, or of the Academic Support Staff, regardless of rank or title, shall be evaluated and certified by their department chairperson as to their English fluency in the classroom based on one of the methods of evaluation listed in section IV, below. The department chairperson shall certify their English fluency in the classroom to their dean, or to the dean's designee and the dean shall certify the same to the Provost. In schools having no departments, evaluation and certification shall be carried out by the dean or the dean's designee.

### B. Native English-Speaking Graduate Teaching Assistants

Prospective graduate teaching assistants whose native language is English shall be evaluated and certified by their department chairperson as to their English fluency in the classroom on the basis of one of the methods of evaluation listed in section IV, below. The department chairperson shall certify their English fluency in the classroom to their dean, or to the dean's designee and the dean shall certify the same to the Provost. (This procedure applies to all native English-speaking graduate and professional student teaching staff, including those undertaking instructional duties as tutors, leading laboratory or discussion sections, graders, or holding office hours.) In schools having no departments, evaluation and certification shall be carried out by the dean or the dean's designee.

### C. Non-native English-Speaking Graduate Teaching Assistants

Prospective graduate teaching assistants whose native language is other than English who have not taken either the Test of Spoken English (TSE) or the ACTFL Oral Proficiency Interview, or who score 55 or below on the TSE or below Superior on the ACTFL, shall be referred by their department chairperson to the English Language Programs (ELP) for professional evaluation of their English fluency in the classroom.

It is anticipated that most graduate students whose native language is not English shall not be sufficiently fluent in the use of English in the classroom to undertake undergraduate instructional responsibilities during their first year of graduate enrollment at Penn. Such individuals may be able to acquire fluency in English in the classroom by enrolling in the ELP's summer International Teaching Assistants Training Program, or during the academic year, by enrolling in the Graduate Division of Arts and Sciences course GAS 600 (fall semester) or the ELP's intensive English language and cultural familiarization courses, or through alternative programs appropriate to the student's needs. Graduate students placed in any of the above programs must be re-evaluated by the ELP before the Director may certify to the Provost that they are fluent in English in the classroom.

### D. All Other Undergraduate Instructional Personnel

All other undergraduate instructional personnel, regardless of rank or title, shall be evaluated and certified by their department chairperson as to their English fluency in the classroom based on one of the methods of evaluation listed in section IV, below. The department chairperson shall certify their English fluency in the classroom to their dean, or to

the dean's designee, and the dean shall certify the same to the Provost. In schools having no departments, evaluation and certification shall be carried out by the dean or the dean's designee.

## IV. Evaluation and Testing

### A. Methods of Evaluation

Department chairpersons and deans shall certify only those prospective instructional personnel whose English fluency in the classroom has been evaluated using one or more of the means of evaluation listed below and has been found to meet or exceed the standard set forth in Section II., above. The following methods of evaluation may be used as the basis for a departmental certification:

- A score of 27 out of 30 on the Speaking Section of the Test of English as a Foreign Language (TOEFL).
- A score of 8 or above on the "speaking" sub-band of the International English Language Testing System (IELTS).
- A score of Advanced-Mid on the ACTFL Oral Proficiency Interview.
- Academic presentation and discussion (such as a colloquium, lecture, seminar, or scholarly conference presentation) evaluated by two or more members of the standing faculty and/or the English Language Programs staff.
- Extended, in-person discussion with one or more members of the standing faculty, and/or English Language Programs staff on a topic related to the candidate's research interests, teaching plans and/or experience.
- Observation and evaluation of teaching performance in the classroom by two or more members of the standing faculty and/or the English Language Programs staff.
- Videotape of classroom teaching or academic presentation evaluated by two or more members of the standing faculty and/or the English Language Programs staff.

All prospective graduate teaching assistants whose native language is other than English shall be referred by their department chairperson to the English Language Programs for professional evaluation of their English fluency in the classroom, using the SPEAK Test (Penn's institutional version of the TSE) or future replacements, the advisory ACTFL Oral Proficiency Interview, or the Interactive Performance Test (IPT) administered by the English Language Programs (described in V.B., below).

### B. Referral to and Consultation with the English Language Programs

Using one of the methods listed above, department chairpersons and deans (or the dean's designee) shall either certify to the Provost that a prospective faculty member or other undergraduate instructional personnel is fluent in English in the classroom or refer them to the English Language Programs for further evaluation before they undertake any undergraduate instructional duties. It should be borne in mind that, at the discretion of the department chairperson or the deans, both native and non-native speakers of English may be referred to the English Language Programs for further evaluation before certification of their English fluency.

The department chairperson or deans may find it useful, especially where the native language of prospective faculty members or instructional personnel is other than English, to consult with the directors of the English Language Programs regarding the advisability of further evaluation or the most appropriate method of evaluation before

certification of their English fluency. Prospective graduate teaching assistants with questions regarding the evaluation or certification of their English fluency in the classroom should consult with their department or graduate group chairperson, or the English Language Programs staff, 110 Fisher-Bennett Hall, 215-898-8681.

## V. Further Evaluation and Appeals

### C. Further Evaluation by the English Language Programs

Prospective instructional personnel who are not certified under section III, above, shall be referred to the University's English Language Programs for further evaluation.

### D. Interactive Performance Test

Graduate students whose native language is not English and who receive scores on the Test of Spoken English (or Penn's SPEAK Test) of between 45 and 55 inclusive may be certified for classroom instruction by passing the Interactive Performance Test (IPT) administered by the English Language Programs. The IPT consists of a 10-minute mini-lecture with a question and answer component on a topic in the candidate's academic discipline.

### E. Evaluation and Certification as Graders with Limited Office Hours

Alternately, and upon the written referral of the graduate group chair, graduate students whose native language is not English and who receive scores on the Test of Spoken English (or Penn's SPEAK Test) of between 45 and 55 inclusive may be certified as graders with limited office hours by passing the Grader Exam administered by the English Language Programs. Graders with limited office hours are defined as graduate students who are responsible for grading exams and assignments and holding individual appointments with undergraduate students for explaining grades and answers to exam questions or assignments. Graders with limited office hours can have no responsibility for classroom teaching, tutoring, recitation, or laboratory sessions. Passing of this exam, which is tailored to one-on-one questions and answers, shall certify graduate students as sufficiently fluent in English to serve as graders with limited office hours, but does not certify them to undertake other instruction duties at a later date.

### F. Appeals of Certification Decisions

Appeals of certification decisions made by department chairpersons may be directed to the appropriate dean and appeals of certification decisions made by deans or by the Directors of English Language Programs may be directed to the Provost.

## VI. Deadlines for Certification and Reporting

In the case of appointment to the Standing or Associated Faculties, all submissions to the Provost's Staff Conference or Mini-Conference for appointments in Arts and Sciences, Engineering and Applied Science, Nursing, Wharton, Design, the Annenberg School for Communication and the Graduate School of Education, and for any faculty members in other schools who will ever teach undergraduates, shall include in the required documentation a certification by the dean stating that the candidate's fluency in the English language in the classroom has been evaluated and found to meet or exceed the University's standard of fluency. The dean's certification shall also include a brief description of the means used to evaluate such fluency and the results of such evaluation.

In all other cases, including graduate teaching assistants and academic support staff, the certification of fluency must be approved by the Provost before final approval of the appointment in the school or department and prior to the start of the term for which the individual is first hired for undergraduate instructional duties (specifically, by September 1 for the Fall term, by January 1 for the Spring Term, and by May 1 for the Summer term).

Each dean shall report to the Provost, no later than August 1 of each year, that all faculty and other undergraduate instructional personnel (as defined in section I, above) hired since the dean's previous certification have been evaluated for English fluency in the classroom prior to their appointment and were found to meet or exceed the University's standard of fluency.

## **VII. Monitoring and Reporting of Complaints**

Each school shall put in place one of the following procedures for the ongoing monitoring of English fluency in the classroom of all undergraduate instructional personnel:

- A systematic program of classroom observation of both faculty and teaching assistants by faculty members or English language specialists.
- Inclusion of a question about communication with the instructor on the student course evaluations of all faculty, teaching assistants, and laboratory or recitation instructors each term. (Student evaluations may also be supplemented by peer, alumni, or other teaching evaluation mechanisms.
- Other monitoring mechanisms proposed by the dean and approved by the Provost.

In addition, each school shall ensure that all complaints regarding the English fluency of instructional personnel are reported (with the chairperson's evaluation of the complaint) to the dean and undergraduate dean, and by the dean (with a description of the resolution of the complaint) to the Provost, via the Associate Provost for Faculty Affairs in the case of faculty, and via the Vice Provost for Education in the case of graduate students.

## **VIII. Review of English Fluency Standards and Procedures**

These standards and procedures shall be reviewed periodically by the Provost's Council on Undergraduate Education, and in the light of Pennsylvania Department of Education regulations, when issued. It also should be noted that each school, at its option, may institute English fluency requirements more stringent than the minimum standards outlined above.

(Source: Almanac, March 18, 1997 (<http://www.upenn.edu/almanac/v43/n26/engfluen.html>); Revised: Almanac, April 21, 1998 (<http://www.upenn.edu/almanac/v44/n30/orfluent.html>); revised, Office of the Provost, November 1, 2019)

# FACULTY AUTHORITY TO ASSIGN GRADES AND ACADEMIC INTEGRITY

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The Student Disciplinary Charter is based on the assumption that it is the obligation and right of faculty members to assign grades for academic work submitted to them by students under their supervision and that faculty members should grade student work, using their best judgment about the quality and propriety of that work, independently of disciplinary procedures. The present statement makes clear the relationship between grading and disciplinary action in cases in which a faculty member believes that a student did not fulfill an assignment in accord with the Code of Academic Integrity.

The Disciplinary Charter rests on the principle that faculty members have wide authority to judge the academic work of students and have a general responsibility for the academic progress of students, so much as lies within the power of faculty. Furthermore, the charter assumes that violations of the norms of academic integrity fall along a continuum from minor to major and that not all violations need to be treated as disciplinary cases. The authority and responsibility of faculty members require them to judge the relative severity of a violation. Good individual judgment and institutional practice will help faculty members make the judgment about when to treat a case as requiring disciplinary action.

The distinction between academic evaluation and disciplinary action is also important. Faculty members have the authority to make academic judgments in relation to their students and to make decisions in the interests of furthering their students' education. Only the institution, acting through its formal processes, may discipline a student. Grades are not sanctions, even if they arise from a judgment that a student has violated a norm of academic integrity. In such cases, the grade may reflect the faculty member's view that a piece of work was done inappropriately, but it represents a judgment of the quality of the work, not a record of discipline for the behavior. There are many ways to do work inappropriately or badly, resulting in low or failing grades. The policy of the charter is to preserve the faculty member's right to grade work on the basis of all of its qualities and to make the decision to pursue disciplinary action a separate matter.

Students who believe that they have been graded unfairly have recourse of appeal through the grade appeal procedures established by each school. The charter explicitly recognizes the right of students to appeal grades. The appeal of a grade given because a faculty member believed that the student violated the norms of academic integrity is, for the purposes of the charter, no different from other grade appeals.

(Source: Almanac, September 10, 1996, Volume 43, No. 3) (<http://www.upenn.edu/almanac/v43/n03/codechar.html#faculty>)

# FAIRNESS OF AUTHORSHIP CREDIT IN COLLABORATIVE FACULTY-STUDENT PUBLICATIONS FOR PHD, AM, AND MS STUDENTS

The Graduate Council of the Faculties has unanimously approved a policy on authorship credit in collaborative faculty-student publications. The intent of the policy is to avoid situations in which graduate students or faculty feel that their contribution to published work has not been fairly recognized. Our intent in the distribution of this policy statement to faculty and graduate students is to make authorship discussions a routine part of conversations about intellectual collaboration.

## Why is a policy needed?

1. For students who intend to pursue academic and/or research careers, scholarly publications that reflect the product of their research work are essential to being considered for a job and establishing a career.
2. Faculty members are almost always directly involved in the student's scholarly work as mentors, employers, collaborators, or consultants.
3. When publications emerge from collaborative faculty-student effort, it is not always clear who should be given authorship credit, and in what order the authors' names should appear on the published work.
4. The Vice Provost, the Council of Graduate Deans and the Graduate Council of the Faculties have been made aware over the years that there is widespread uncertainty among graduate students about what constitutes fair practices for the determination of authorship. Practices vary widely between and within departments at Penn.
5. Graduate students are understandably reluctant to raise issues of authorship at the beginning of projects, and skeptical about the efficacy of raising issues once the work has been completed. Students feel that authorship credit is a difficult issue to raise, because their questioning of the arrangements can be interpreted as a challenge to the mentor on whom the student depends for intellectual and/or financial support as well as future letters of recommendation.
6. The lack of clarity concerning fairness in authorship is evident not only among graduate students. Faculty members, too, are often uncertain about fair practices. Some feel that their intellectual and written contribution to a student's published work has not been sufficiently acknowledged.
7. As part of their appropriate professional education, young scholars need to learn about how questions of joint-authorship are decided. Guidelines can facilitate discussions between students and their faculty mentors which further such learning.

## Diversity of Practices in Different Disciplines and Departments

In considering the task of formulating a university-wide policy on Fairness in Authorship Credit, the Graduate Council of the Faculties is aware that different traditions of joint authorship exist in different disciplines and departments.

- In some fields, the Principal Investigator of the lab is first author of all publications.
- In some fields, faculty members rarely or never receive authorship credit on student publications, no matter what their contribution to the project or the product.
- In some fields, authorship depends on intellectual leadership and actual contribution to the ideas for the project and the written product.
- In some fields, authorship rules are clear; in others they are subject to negotiation.
- In some fields, research assistants and research fellows are automatically included as authors when the outcome results from paid work. In other fields, these students are automatically excluded as authors when the outcome results from paid work.

## A University-wide Process for Establishing Authorship Credit

In light of the variability, ambiguity, and uncertainty regarding faculty-student authorship of published work, there are no specific rules that can be enunciated by the Graduate Council of the Faculties that will address the situation in all departments and academic disciplines. Instead, the Graduate Council of the Faculties is mandating a set of processes within each graduate group that will clarify expectations concerning authorship for each student and faculty member.

## A. Graduate Group, School, and University-wide Policies

Graduate groups must publish and publicize general guidelines concerning authorship and make them available to all graduate students. School-wide policies have been established for the programs in Biomedical Graduate Studies ([https://webdev.med.upenn.edu/contribute/bgs/documents/BGSauthorshippolicy\\_May18\\_2012.pdf](https://webdev.med.upenn.edu/contribute/bgs/documents/BGSauthorshippolicy_May18_2012.pdf)) and Wharton Doctoral Programs ([https://provost.upenn.edu/uploads/media\\_items/2014-2015-final-wharton-doctoral-policies-procedures-original.original.pdf](https://provost.upenn.edu/uploads/media_items/2014-2015-final-wharton-doctoral-policies-procedures-original.original.pdf)). For individual Graduate Group policies see the alphabetical listing. In the absence of School or individual policies, the University-wide policy applies:

### University-wide Policy

#### Humanities

1. The graduate group expects students and faculty to produce individual scholarship and to cite all contributions to their work accordingly.
2. All student work for the fulfillment of degree requirements is student work and the property of the student, with due citation and acknowledgment of contributions from others.
3. Students have the right to publish their work.
4. Any joint project will be publicly presented as such from the outset and the collaborators will agree from the beginning that their joint efforts will be presented publicly under both names.
5. If there is any dispute as to propriety in joint work, the matter should be brought to the attention of the graduate chair and then handled within the graduate group with appropriate consultation with other members of the graduate faculty.

#### Science

1. Qualifications for Authorship. Authorship should be based on any of the following:

- Initiating the scientific ideals addressed in the paper. qualify that person for authorship.
- Significant contribution to building the experimental apparatus.
- Significant contribution to the data taking.
- Major contribution to the data analysis.
- Important role in writing the paper and reviewing its scientific content.

Authorship should not be based on the following:

- Participation in obtaining funding or general supervision of the group but not participating in the general intellectual activity of the group does not qualify that person for authorship.
  - Simply being a member of a group does not qualify that person for authorship.
2. Authorship Order. The person making the greatest scientific contribution is the first author. It is usually clear who has done this. Subsequent authors are listed in order of decreasing scientific contribution.
  3. When Conflicts Arise. Sometimes, even when the rules have been followed, a student may feel unfairly treated. The best possible solution is for the faculty advisor and the student to discuss and hopefully resolve the conflict. If that does not work, a student and faculty advisor may ask the graduate chair to arbitrate. The graduate chair may ask the department chair for assistance.

### Social Science

1. It is to everyone's benefit if there is a clear understanding about potential joint authorship roles whenever there is research collaboration among faculty and students, whether the latter are assigned as apprentices, students in a class, hired assistants, or any other role. Initial arrangements can always be discussed again should circumstances change, for example if the student contributes more to the project than originally anticipated.
2. Authorship is not presumed to be a right obtained by association with a research project. Hence the need for prior understandings, as stated above.
3. In general authorship implies that the person made a major substantive contribution to the research being reported.
4. Data gathered for a research project or program of research under a Principal Investigator [under a grant or otherwise] are the property of that Investigator. It is an academic tradition that such data are not used without the PI's permission, unless they have been made part of a public archive. In either case, proper acknowledgements are expected.
5. It is the presumption that the person who conceptualized the project, secured the funding, developed the research instruments, etc., should review any publications or other public presentations from the project and give his or her permission if something from the project is to be published without his or her name on it.
6. A student is presumed to have authorship of his or her masters thesis and/or doctoral dissertation and is encouraged to publish any parts or all of the approved thesis or dissertation unless there have been some prior restrictions to which the student has agreed, e.g. that authorship must be shared with others contributing to the project or to wait for a jointly authored or edited book combining several theses.
7. Authorship Order. The order of names should be mutually agreed, preferably at the outset. The person making the greatest scientific contribution is the first author. Subsequent authors are listed in order

of decreasing scientific contribution. If contributions are spread equally, the order of authors is usually alphabetical.

8. It is impossible to anticipate all potential problems. We believe that mutual respect, trust and clear communication will forestall difficulties. However, if disagreements about authorship do arise and cannot be resolved by the people involved, it is recommended that the matter be referred to the Chair of the Graduate Group for prompt consideration and suggested resolution.

## B. Faculty-Student Level

Individual mentors should conform to the graduate group policy on authorship credit. Mentors are responsible for anticipating possible disagreements concerning authorship credit regarding specific collaborative projects and should initiate clarifying discussions before students have invested substantial time on such projects. These discussions should be reopened if relative contributions change.

## C. Appeals Process

No policy can prevent the occurrence of all instances of actual or perceived unfair treatment. Although inequities can occur to either faculty or graduate students, we believe that graduate students are usually more vulnerable to faculty practices and less able to act when they feel that fairness has been violated.

In cases of disagreements about authorship, the following steps should be taken:

1. Students who feel that they have been mistreated should raise the issue with their mentor and their graduate chair.
2. If the disagreement is not resolved to all participants' satisfaction, an appeal can be made to the Dean of the School, who should convene a committee of faculty and graduate students to hear the disagreement and attempt to resolve it. Cases will be decided in the context of the published norms and guidelines of the graduate group.

# FAMILY FRIENDLY POLICIES FOR PHD STUDENTS

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## New Parent Accommodation

A student in a Ph.D. program at Penn is eligible for time off of eight weeks for the birth or adoption of a child. The student must complete the online New Parent Accommodation/Family Leave Request Form (<https://vpe.wufoo.com/forms/r72pat10x6xvtk/>) at least 60 days prior to the anticipated start date of the leave so that appropriate arrangements can be made to cover any teaching/research responsibilities.

The graduate group chair and dissertation advisor will be notified via email of the details of the student's accommodation request. The graduate group is responsible for making the necessary arrangements within their department and school.

A. Normally the "Time Off" period commences within two weeks of the birth or adoption.

B. During the "Time Off" period, the student remains enrolled full-time. In order to facilitate a rapid return, students may participate in the program as fully as they deem appropriate. By remaining on full-time status, student visa status and loan repayment schedules, if any, will remain unchanged.

C. The student is entitled to academic accommodation including relief from academic requirements, such as postponement of exams and course requirements.

D. A student receiving stipend support is entitled to continuation of support during the "Time Off" period as follows:

1. Students receiving stipends from University/school funds are entitled to draw support for eight weeks during the academic year.

2. Students funded by government grants or other external funding sources are entitled to benefits as determined by the funding agency.

## Family Leave of Absence Policy

A student in the Ph.D. program at Penn may take an unpaid Family Leave of Absence for the birth or adoption of a child, child care, or care of an immediate family member (spouse, domestic partner, child, or parent) with a serious health condition.

The graduate group chair and dissertation advisor will be notified via email of the details of the student's leave request. The graduate group is responsible for making the necessary arrangements within their department and school.

A. Students may take a Family Leave of Absence for one semester or for two semesters.

B. The student must complete the online New Parent Accommodation/Family Leave Request Form (<https://vpe.wufoo.com/forms/r72pat10x6xvtk/>) at least 60 days prior to an anticipated leave so that appropriate arrangements can be made to cover any teaching/research responsibilities. In unanticipated and/or emergency situations, students should fill out the form as soon as possible.

C. Family Leave "stops the clock" on the student's academic requirements, including service requirements, for the duration of the leave.

D. Students whose University funding includes coverage of the Penn Student Health Insurance Plan will continue to receive coverage for their individual health insurance while on family leave for one full semester; students may petition for an additional semester. Students with external funding that includes health insurance coverage that will not continue if on leave will also receive coverage for their individual health insurance from the University while on family leave for one full semester; these students may also petition for an additional semester. Upon paying a fee, students on approved Family Leave will retain their PennCard, e-mail accounts, library privileges, and building access.

E. Funding commitments from the institution are deferred until the student returns from Family Leave. Students receiving funding from external sources, such as government grants, are subject to the conditions established by the funding source.

F. Service requirements (e.g., teaching, research) will be met by the student following return from Family Leave.

G. Requests for extension of Family Leave beyond one year, or for repeated Family Leaves, may be made. Approval of an extension, deferral of funding, and continued academic accommodation is at the discretion of the Graduate Dean.

*\*Important:* If you anticipate adding a dependent (e.g., newborn) to your Penn Student Insurance Policy while on Family Leave, you must remain in active student status at the start of the fall semester. Students should arrange with their school/division to maintain full-time student status for at least 31 days from the start of fall classes, after which time the Family Leave status can be recorded in the student's record. After the birth/adoption, contact the SHS Insurance Coordinator to enroll the dependent. The premium for dependent coverage is payable directly to the PSIP carrier.

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Updated November 22, 2022 (Almanac Volume 69 Issue 15 (<https://almanac.upenn.edu/#of-record-phd-student-leave-of-absence-policy-and-family-friendly-policies-for-phd-students-new-parent-accommodation>))

# FINANCIAL POLICIES

**Note:** Please contact your home school representative regarding rules for Graduate, Professional, LPS and other Special Programs.

## Payment of Tuition, Fees, and Other Charges

All amounts billed to students are due on the due date indicated on the bill. You will receive an email notification each month when a new billing statement is available on Penn.Pay (Penn's electronic billing service). Students whose parents or other payers are making payments are reminded that you (the student) must invite them to be an 'other payer' on Penn.Pay so that they can both view and pay your bill. Payments must be made on or before the due date. Payments can be made online, by check, wire transfer or in person. Please refer to the Student Financial Services web site at <https://srfs.upenn.edu/billing-payment/paying-your-bill> (<https://srfs.upenn.edu/billing-payment/paying-your-bill/>). Balances remaining beyond the due date are subject to a late payment penalty of 1.5% per month, which will appear on the next statement. A student could be placed on Financial Hold if bills remain unpaid which will jeopardize continuing enrollment and future registration.

## Failure to Pay

The University reserves the right to withhold registration, transcripts, diplomas and all other information regarding the record of any student who is in arrears in the payment of tuition, fees, or any other charges, including student loans. The enforcement of this policy shall not relieve the student of the obligation to pay any outstanding fees and charges.

## Withdrawal/Leave of Absence: Reduction of Tuition and Fees

A student who withdraws from the University (or who is requested to withdraw for failure to maintain a satisfactory scholastic standing) or who is granted a leave of absence from a full-time division of the University during either term of the academic year will be eligible for a reduction in tuition and fees in accordance with the conditions set forth below.

The effective date of separation from the University is the date the student files a written request for withdrawal or leave of absence.

A student who is required to withdraw because of a violation of University regulations shall receive no tuition refund.

For all other students, term charges will be adjusted as follows:

If you leave within the:	Percentage Reduction in Tuition and Fees
First two weeks of class	100%
Third and fourth weeks of class	50%
Thereafter	0%

In the case of students receiving financial aid, eligibility for the term will be determined based on actual charges and prorated allowances for living expenses.

For rules regarding reductions in residence and meal contract charges, see the current year's Residential Handbook (<http://www.business-services.upenn.edu/housing/assets/pdf/handbook0910.pdf>) and the terms and conditions of meal plans (<http://www.business-services.upenn.edu/dining/>).

# FRATERNITY / SORORITY ADVISORY BOARD DISCIPLINARY CHARTER

## Statement of Purpose

To acknowledge and strengthen the contributions of fraternities and sororities to the University of Pennsylvania, the following Fraternity and Sorority Advisory Board Disciplinary Charter was established. This Charter is intended to establish a framework for fraternity/sorority governance, and to hold fraternities and sororities accountable to standards of conduct. There is a fundamental difference between the proceedings detailed herein and those of a court of law. This judicial charter is within the University community and is part of the educational process. To the greatest degree possible, the process detailed herein should remain informal, non-adversarial, and directed towards achieving fundamental fairness for all parties involved.

As outlined in the Charter, the Fraternity and Sorority Advisory Board is to be a fair and impartial board which will recommend to the Vice Provost for University Life actions necessary to ensure the commitments and obligations of both the fraternities/sororities and the University are being maintained (as outlined in the policy on "Recognition and Governance of Undergraduate Social Fraternities and Sororities" (Recognition Policy)). Each recognized fraternity or sorority, and its associated sponsoring body, agrees to abide by the basic principles applied to any University affiliation with an externally incorporated organization, including commonality of goals and standards, disclosure of principals, mechanisms for accountability, and provisions for the discontinuation of the affiliation should goals diverge or standards decline in ways that would expose the University to liability or loss of reputation. To accomplish this, each fraternity and sorority will be held collectively responsible for the well being of its members, the chapter's performance, as well as the reputation of the organizations within the University community.

The University recognizes that fraternities and sororities are associations of students, operated to enhance the educational experience. It is appropriate that the University provide support services that will help the chapters function effectively and will protect their stability given the inherent turnover of membership and leadership.

The following document defines the judicial system for cases involving collective responsibility of fraternities and sororities. This document details the required procedures for the resolution of violations of the Recognition and Governance of Undergraduate Social Fraternities and Sororities at the University of Pennsylvania (the "Recognition Policy") within the fraternity and sorority system and between these Organizations and the Community. In addition, should a conflict come to the attention of OFSA, the Director has the authority to mediate conflicts prior to engaging in any formal judicial process.

## I. Fraternity/Sorority Advisory Board

### A. Jurisdiction

1. There shall be a University-wide board of original jurisdiction to be known as the Fraternity/Sorority Advisory Board (the "Advisory Board"). The Advisory Board shall have exclusive original jurisdiction in all cases arising under the policy entitled Recognition and Governance of Undergraduate Social Fraternities and Sororities at the

University of Pennsylvania (the "Recognition Policy"), as amended from time to time, involving University recognized fraternities and sororities as defined by the Recognition Policy. The Advisory Board shall have no jurisdiction over complaints brought against individual students under the Charter of the University Student Disciplinary System except to the extent a complaint arising out of the same activity or event is also brought against a fraternity or sorority.

2. The Advisory Board will also hear appeals regarding sanctions levied by the Interfraternity and Panhellenic Judicial Inquiry Boards (JIB). Such appeals shall be made to the Advisory Board in accordance with the IFC or Panhellenic JIB Charters. (As used in this Judicial Charter for the Advisory Board, the term "respondent" or respondent chapter" shall mean a University-recognized fraternity or sorority as more fully described in Section B of the Recognition Policy entitled "Framework for Recognition – Applicability of Recognition Policy.")

## B. Composition

1. The Advisory Board will be composed of:
  - 4 faculty (one of whom shall serve as chair)
  - 3 Greek students (one from Panhellenic, BIG-C and IFC each)
  - 1 non-Greek student
  - 2 members from the Greek Alumni Council
  - 2 non-voting administrators
    - a. Faculty members will be selected by the Faculty Senate Executive Committee. The communication to the faculty selected should be clear that we need their participation in this role.
    - b. The three Greek students will be selected by each organization's respective president with the approval of their Executive Board. Interested students will apply in writing and be interviewed by the Interfraternity, Panhellenic, and Biocultural InterGreek Councils.
    - c. The non-Greek student will be appointed by the Nominations and Election Committee of the Undergraduate Assembly.
    - d. The Greek Alumni Council (GAC) members will be selected from the general membership of the GAC. The appointee must have been an active member of the GAC for the year preceding his/her appointment.
    - e. The two non-voting administrators (one being the Director of Fraternity and Sorority Affairs) will be appointed by the Vice Provost for University Life.

## C. Responsibility

1. Monitor the efforts of the IFC/Panhellenic/BIG-C in achieving the goals and objectives of their strategic plans.
2. Audit each chapter at least once annually based on the required paperwork that each chapter submits annually to the Office of Fraternity and Sorority Affairs (OFSA). Assign specific goals for quality improvement of each chapter based on these annual reviews.
3. Support the offices of OFSA to improve compliance of chapters with University policies.
4. Meet with all chapters that are in violation of established University rules that are non-compliant with expected performance standards, or that are sub-optimal in achieving their target goals of performance.
5. Address, as outlined in this charter, any incidents of misconduct related to fraternities and sororities, especially those that result in injury, illness, psychological harm, or property damage.
6. Meet at least seven times during the academic year to conduct the audit review and attend to hearing of misconduct, and to monitor progress on probationary agreements.

This committee should report on an annual basis to the Provost, the President, the Chair of the Faculty Senate, and the Undergraduate Assembly.

## D. Conflict of Interest

### 1. Definition

On occasion, the presence and/or participation of a particular Advisory Board member may be deemed as representing a conflict of interest with the role of the Advisory Board. Such "conflict of interest" shall be defined as either

- a. membership in a fraternity or sorority involved in a disciplinary incident under Advisory Board review, or
- b. involvement or affiliation with a particular incident or its participants which may impair his or her ability to consider objectively and impartially the facts of any situations or any Advisory Board review.

### 2. Procedures

Alleged conflicts of interest must be brought to the director of Fraternity and Sorority Affairs by any member of the Advisory Board, any member of the University community, or any representative of the fraternity or sorority under review at least forty-eight hours prior to the review proceedings. In instances of conflict of interest, it is an Advisory Board member's obligation to withdraw from the Advisory Board prior to the convening of the review. In addition, at the beginning of any review the Chair shall ask all Advisory Board members if there are any conflicts of interest involved in the review. The Chair shall then conduct discussion. Final determination of conflict of interest shall be made by a majority vote of the Advisory Board members present for the review (excluding ex-officio members and the advisory Board member who is the subject of the conflict of interest vote). The chair (as defined in Section II. A.1. below) shall vote only to break a tie vote. To facilitate such determinations, the fraternity or sorority under review shall present to the Director a full list of all participating fraternity or sorority representatives and witnesses and their roles and affiliations at least five calendar days prior to the date of the Advisory Board's review; information concerning the composition of the Advisory Board shall be given to the fraternity/sorority at least ten calendar days prior to the review. The minutes shall reflect any withdrawal due to conflict of interest.

### 3. Implementation

Any Advisory Board member who is deemed to have a conflict of interest by the Advisory Board shall not be present at internal Advisory Board discussions, shall not vote on any issue relating to the review in question, and shall not receive Advisory Board minutes or other confidential written materials pertaining to the review in question. The individual shall be permitted to participate in the review on behalf of the fraternity/sorority or on behalf of the Administration.

### 4. Disqualification of Advisory Board Members

Members of the Advisory Board may disqualify themselves from hearing the case if they believe, in good faith, that their capacity for making an objective judgment in the case is or may appear to be impaired.

## E. Quorum

1. The quorum required to start a meeting/review will consist of at least one GAC member, three faculty members, and two student members (excluding any ex-officio member or any individual disqualified because of conflict of interest). The members attending the first meeting of any review shall be termed the "original quorum."
2. The quorum required for continuing the review is five members, including at least two members who have been present at all

preceding reviews and constituted part of the "original quorum". The Chair (as defined in Section II.A.1, below) shall vote only to break a tie vote. All decisions require a majority vote of those present and eligible to vote.

## F. Operation of the System

1. The Office of Fraternity and Sorority Affairs (OFSA) shall provide administrative support for the Advisory Board: verify student standing, schedule hearings, taken and prepare minutes, and process all other paperwork for the Advisory Board.
2. To calculate days as required in this charter, only the fall and spring semesters shall be considered. Days shall be counted on a calendar basis, including Saturdays, Sundays, and holidays when the University is in session. No days will be counted when the University is not in session, except with agreement from the complainant.

## G. Confidentiality of Judicial Records and Process

1. The identify of individuals in particular cases before the Director of OFSA, the Director of the Office of Student Conduct, the FSAB, or the VPUL, and all files and testimony as to individuals, are confidential, in accordance with University guidelines concerning the confidentiality of student records pursuant to the Family Educational Rights and Privacy Act of 1974, as amended.
2. Sanctions against chapters are not confidential.

## II. Staff

### A. Chair

1. The Faculty member with the most experience with the FSAB shall serve as Chair. The Chair shall administer this Chapter and preside at all meetings and reviews. The Chair is responsible for overseeing the procedural integrity of this Advisory Board. The Chair will, for example, consider and resolve pre-review challenges to procedures. Such decisions by the Chair will be affirmed by the Advisory Board at the beginning of each review (see Section III.D.6.b.). The Chair will also alert Advisory Board of inconsistencies between the demands of fairness and its actions at any point procedural issues and convey their advice, together with his or her own recommendations, to the Advisory Board.
2. In cases where a "conflict of interest" (as previously defined) arises that disqualifies the Chair, or when the Chair is otherwise absent, the Faculty member present who is next most senior with respect to continuous tenure of service on the Advisory Board shall act as Chair.
3. The Chair will advise respondents, complainants, and their advisors, of procedural matters.
4. The Chair may confer with appropriate University officials regarding the provisions of this Charter.
5. In the event the appointed Chair cannot be present at a meeting of the Advisory Board, an Acting Chair shall assume the responsibilities of the Chair. The Faculty member present who is most senior with respect to continuous tenure of service on the Advisory Board shall serve as Acting Chair.

### B. Director of Fraternity and Sorority Affairs (Director)

The Director shall be a University employee and shall be appointed by the VPUL. The duties of the Director of Fraternity and Sorority Affairs under this Charter will be to resolve by agreement changes against the chapters; to present history and information about the chapter in reviews before the Advisory Board after a determination of collective

responsibility; to ensure that agreements and sanctions are enforced; to perform all other responsibilities specified in this Chapter.

### C. Director, Office of Student Conduct (OSC)

The duties of the Director of OSC under this Charter will be to investigate complaints against chapters under the regulations of the University and the Recognition Policy; to help determine whether charges involve a chapter's collective responsibility and subject the chapter to the jurisdiction of this charter and whether such charges should be brought before the Advisory Board; to present at the review relevant evidence concerning the charges. The Director of OSC can testify; call witnesses, present documents before the Advisory Board, and recommend appropriate sanctions.

## III. Procedures

### A. The Complaint and Investigation

1. Any person who believes that a fraternity or sorority chapter has violated University rules or regulations may file a complaint with the Office of Fraternity and Sorority Affairs (OFSA). OFSA may conduct preliminary fact-finding before a case is forwarded to the OSC for in-depth investigation. The complaint may also be filed with a University office other than OFSA (e.g. Public Safety, OSC, VPUL). The OSC may also bring charges against a chapter on behalf of a complainant who requests anonymity or on behalf of the University in general. Office of Fraternity and Sorority Affairs should be notified of these complaints.
2. The OSC will investigate complaints within the jurisdiction of the Advisory Board and shall decide, after consultation with the Director, if there is reasonable cause to believe that a chapter has violated the Recognition Policy. The OSC shall make the determination of reasonable cause ordinarily after conducting a preliminary investigation. The OSC may interview any appropriate witnesses, including members of a potential respondent chapter. All witnesses have the right to consult with a University advisory, as defined elsewhere in this Chapter, while being interviewed, and the OSC shall inform them that anything they say may later be introduced as evidence at a review.
3. The Director and/or the Advisory Board may proceed under this Charter regardless of possible or pending civil, criminal, or individual Student Disciplinary proceedings arising out of the same or other events. The Director, with concurrence of the VPUL, and other appropriate University officials, shall determine whether the Advisory Board shall, in fact, proceed with the hearing of the charges against a respondent whose members also may face related charges in OSC/ Student Disciplinary, civil or criminal proceedings. If the Director defers proceeding with the charges against a respondent in light of related charges, the Director, with concurrence of the VPUL, after consultation with the General Council, may subsequently proceed under this Charter at any time before or after resolution of the other charges.

### B. Procedures for Judicial Reviews

1. Notice of Investigation  
Within a reasonable time after the OSC receives a complaint and determines that there is reasonable cause that a chapter may be held collectively responsible, s/he will inform the Director of OFSA. The Director will then promptly notify the chapter, and the chapter advisory of record, that an investigation is in progress involving allegations of collective responsibility. At this time and at the Director's discretion, a letter of Administrative Warning may be issued

to the respondent chapter or is consistent with the Recognition Policy.

#### 2. Issuing of charges

At the investigation's conclusion, the OSC, after consultation with the Director of OFSA, will make a preliminary determination of whether an incident or event involves collective responsibility. If such a determination is made, then the Office of Fraternity and Sorority Affairs will send to the respondent chapter, the chapter advisory of record, as well as the chapter's national office, a statement of the charges against the respondent and a copy of the chapter status report.

- a. The statement will cite the regulation, rules or policies alleged to have been violated and will describe the alleged acts, or failures to act, constituting the violations(s). The statement will also enclose a copy of this Charter and a copy of the regulations, rules or policies alleged to have been violated. The cover letter for the charges should outline the time line for settlement.
- b. Additionally, if the Director anticipates that there will be a formal review of the chapter and the violations by the FSAB, the Director of 9OFSA will prepare and include a copy of the chapter status report. The Chapter States Report will be a summary of both positive and negative chapter activity within the fraternal and University communities: financial health, scholarship, IFC/ PANHEL/BIGC involvement and support, leadership, alumni(ae) involvement within the chapter and University (GAC/Advisory Board), membership data, faculty affiliation, community development program, and the comprehensiveness of the pledge/ membership education program, and may cite any laws, which might have been violated. The report will not be given to the Advisory Board until the sanctioning portion of their deliberations. (The Chapter will have the ability to respond to this report, See Section III.D.3.b.).

### C. Agreement of Responsibility

1. The Director, in consultation with the OSC, the National Headquarters, the alumni advisory (whenever possible) and the respondent, may resolve (settle) the complaint by way of an Agreement of Responsibility at any time after the charges have been served and before final disposition by a review of charges by the Advisory Board.
2. After the charges are served, the respondent chapter must promptly schedule a conference with the Director of OFSA to discuss a potential Agreement of Responsibility, otherwise a review will be scheduled in accordance with Section III.D.3 of this Charter. If an Agreement of Responsibility has not been reached within a reasonable amount of time from the date the charges were served, or the Director of OFSA determines an impasse in the resolution has occurred, a review may be scheduled in accordance with Section III.D.3 of this Charter.
3. If the respondent chapter chooses to schedule a conference with the Director of OFSA, the Director will notify appropriate officers from the appropriate JIB (Interfraternity or Panhellenic) that charges have been served against a chapter. A meeting will be scheduled with JIB officers within a reasonable time after the charges have been served to discuss options for resolution. Any JIB Officer who is a member of a respondent chapter, is a complainant, or is in any other way involved or affiliated with a particular incident or its participants so that it would impair his or her ability to consider resolution options objectively and impartially, shall be excluded to avoid a conflict.
4. Agreement of Responsibility will be written and signed by the Director, the respondent's President, the respondent's chapter advisor of record, a representative of the respondent's national office, and all

members of the respondent chapter. Upon receipt of the signed agreement, the Chair of the FSAB will be notified that an agreement has been reached.

5. When a determination of collective responsibility has been found and a previous agreement of responsibility exist which includes provisions for further violations, the Advisory Board must uphold the agreement of responsibility and may impose further sanctions, extend the probation or other elements of the previous agreement of responsibility with an amendment to that original agreement.

## D. Review

### 1. Scheduling Disciplinary Hearings

- a. If disciplinary charges are not resolved by an agreement of responsibility, the Director of OFSA in coordination with the Chair of the FSAB promptly begins the process of scheduling an FSAB review, with due regard for the time required for all parties to prepare for the hearing. The Director of OFSA will provide reasonable advance notice in writing to the complainant(s), respondent(s), and witnesses of the date, time, and place of the hearing and of the names of the panel members assigned to hear the disciplinary matter.
- b. Reviews normally take place as soon as possible after the filing of charges. Upon a showing of good cause by the FSAB, OSC or the respondent(s), the Director of OFSA may grant a reasonable extension of any time limit set forth in the Charter.

### 2. Pre-Hearing Exchanges and Testimony

- a. Before the review and through the Director of OFSA and the FSAB, the OSC and the respondent(s) will exchange copies of all exhibits to be presented, the names of witnesses to be called, and a brief summary of the substance of testimony expected to be presented at the Hearing Panel.
- b. When the Director of OFSA and Chair of the FSAB believe that it will contribute to the expedition and fairness of a Disciplinary Hearing, he or she may (but need not) ask the OSC to prepare a written statement of its case against respondent(s) and give the respondent(s) a reasonable opportunity to prepare a written response. The OSC and respondent(s) also may submit statements at their own initiative. The statements and any accompanying exhibits may be considered by the FSAB, in addition to testimony, arguments, or evidence presented at the actual hearing.
- c. In exceptional circumstances, when a witness or exhibit does not become known or available until immediately before the hearing, the Chair of the FSAB may, at her or his discretion, permit the evidence to be presented or may reschedule the hearing to a later time.
- d. If a respondent or the OSC anticipates that a key witness will be unavailable for a hearing, they may ask the Director of OFSA and/or Chair of the FSAB to preserve the testimony of the witness on tape and present it as evidence at the hearing. The OSC and the respondent(s) must be notified in advance of the date, time and place of the taping. All parties who would be permitted to question such a witness at a hearing may question the witness at the taping.

### 3. Conduct of Reviews

- a. Disciplinary hearings are not trials, and they are not constrained by technical rules of procedure, evidence, or judicial formality. They are designed to encourage open discussion among the participants that promotes the Advisory Board's understanding of the facts, the individuals involved, the circumstances under

which the incident occurred, the nature of the conduct, and the attitudes and experience of those involved. The rules of evidence applicable to legal proceedings do not apply to disciplinary hearings. Information, including hearsay evidence, may be considered if it is relevant, not unduly repetitious, and the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs.

- b. The Chair of the FSAB presides over all hearings and decides all questions about the admissibility of evidence and the conduct of hearings.
  - c. Reviews are held in private unless the respondent(s) and the complainant(s) agree in writing in an open hearing. The Chair of the FSAB may limit attendance at a hearing to ensure fair and orderly proceedings. If a hearing is opened in accord with this procedure, the Chair of the FSAB may, when necessary to maintain order or to protect the rights of participants, declare the hearing closed to the public. In a case involving important privacy interests, the Chair of the FSAB may close a hearing or part of a hearing that has been opened upon determining that the privacy rights of a participant may be jeopardized.
  - d. Upon a showing that he required notice was provided, the hearing against a respondent(s) may proceed in her or his absence.
  - e. At the hearing, the OSC presents the result of the OSC's investigation of the complaint, calls witnesses to testify and presents the University's evidence against the student(s). Members of the Hearing Panel may also call witnesses to testify and may question any witness appearing before it. Respondents may also call witnesses to testify and ask questions of all witnesses.
  - f. A respondent is responsible for presenting his or her own case before the Advisory Board. However, at the discretion of the Chair of the FSAB, the respondent's advisor may be permitted to question witnesses on behalf of a respondent or to address the Advisory Board. The Chair of the FSAB may exercise discretion in this matter will be guided by the principles that govern disciplinary hearings, specifically, fairness, the need for orderly procedures, and the Hearing Panel's duty to understand the facts and parties in the disciplinary matter.
  - g. Complainants may attend the hearing, testify if they wish to do so, and may be accompanied by an advisor. Neither complainants nor their advisors may call witnesses or present evidence or arguments.
  - h. At the hearing's conclusion, the OSC and the respondent(s) or their advisor(s) may make brief statements. At the discretion of the Chair of the FSAB, the complainant(s) or their advisor(s) may be permitted to make a brief statement. The time allowed for such statements will be set by the Chair of the FSAB.
    - i. The OSC will arrange for a verbatim transcript or recording to be made of all disciplinary hearings. The transcript or recording is the property of the University of Pennsylvania and becomes part of the record of the disciplinary proceedings.
- ### 4. Findings and Recommendations of the Advisory Board
- a. Following the hearing, the members of the Advisory Board meet to discuss in private their findings, which consist of two parts:
    - i. a determination of whether the respondent chapter is responsible for any violation; and
    - ii. if so, a recommendation of sanction(s).
  - b. Only evidence presented at the hearing will be considered by the Advisory Board for a decision on this incident and possible violations of law or University policy. The Advisory Board will

presume a respondent innocent unless proven responsible for a violation by clear and convincing evidence. All decisions of the Advisory Board require a majority vote.

- c. The OSC may recommend to the Advisory Board a sanction to be imposed if the Advisor Board finds the respondent chapter(s) responsible for a violation. The respondent chapter(s) may respond to the OSC's proposed sanction(s). Before the Advisory Board makes its recommendations on sanctions, it will review any previous disciplinary offenses by and sanctions the respondent(s) and the chapter status report (as outlined in Section IIIB.2b).
  - d. If the Advisory Board determines that the respondent chapter(s) (is not responsible for a violation, no sanction may be recommended against the respondent(s) and the respondent may not be subject to further proceedings under this Charter on the same charge(s).
  - e. If the Advisory Board finds that a respondent chapter is responsible for a violation of University rules or regulations, it will recommend to the Vice Provost for University Life appropriate sanctions. Only the Vice Provost for University Life (or designee), acting on behalf of the University, may actually impose a sanction on a chapter. The Vice Provost for University Life (or designee) will not impose a sanction until after any appeal of the Advisory Board's decision has been decided by the Vice Provost for University Life.
5. Notice of Advisory Board Decision  
The Director of OFSA will promptly transmit its decision, including its findings and recommendation regarding sanctions, in writing to the Advisory Board, the OSC, the respondent(s) and the Vice Provost for University life as soon as possible after the end of the hearing.

the Charter of the University Student Disciplinary System (Section IV.C.7bi.)

3. The failure of a respondent chapter or its individual members to comply with sanctions shall be a violation of this Charter and the University's Policies and Procedures.

## **E. Advisors to the Respondent and the Complainant**

1. At hearings before the Advisory Board, each respondent and complainant may be accompanied by an advisor who is a member of the University community (student, faculty, or staff) or of a national or local alumni sponsoring organization; advisors may address the Board.
2. Attorneys may not serve as advisors unless the previously designated alumnus/a chapter advisor is an attorney by profession. If criminal charges are pending against a respondent or its members, the chapter may be accompanied and advised by an attorney; however, the attorney may not address the Advisory Board or directly participate in the hearing.
3. Advisors are obligated to acquaint themselves thoroughly with the University's policies, regulations, and procedures, and must hold confidential any information which they learn through their participation in the proceedings.
4. At least five calendar days before the hearing the complainant and/or respondent will notify the OFSA of the name, address, title and relationship of their advisor who will be present.

## **F. Failure to Appear, Cooperate, or Comply**

1. A fair, conclusion adjudication of a dispute under this Charter depends on the cooperation of all involved persons, including complainants, respondents, and witnesses. Therefore, all community members who may be interviewed are obliged to provide honest, complete statements to the Director, the OSC, and the Advisory Board in order that dispute may be equitably resolved as quickly as possible.
2. If the Advisory Board determines that a witness failed to appear or cooperate with the investigation and/or review, the Advisory Board may serve as complaint seeking, disciplinary sanctions described in

# FUNDRAISING GUIDELINES

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(Source: Almanac - April 26, 2011, Volume 57, No. 31 (<http://www.upenn.edu/almanac/volumes/v57/n31/fundraising.html>))

## I. University Organizations

1. Student organizations are permitted to raise funds for their own group activities and for non-University charities. All fundraising events and activities by student organizations recognized by the Student Activities Council (SAC), funded by the Graduate and Professional Student Assembly (GAPSA), or sponsored by the Undergraduate Assembly (UA) must be approved, in advance, by the Executive Director of the Office of Student Affairs. All fundraising events and activities by "School Affiliated" student organizations must be approved, in advance, by the relevant School student affairs administrator. Approval will only be granted for fundraising on behalf of charities which are nonprofit, tax exempt organizations.
2. The procedures for reserving and using University facilities apply to fund-raising activities by University organizations. See also the Concert Policy (p. 42).
3. Student fundraising activities must comply University, municipal, state, and federal policies.
4. All checks received by student organizations in support of their own group activities must be made payable to the Trustees of the University of Pennsylvania and must be immediately endorsed with "For deposit only to the account of the Trustees of the University of Pennsylvania" on the back of the check. Checks received in response to charitable projects for non-University charities must be made payable to the non-University charity.
5. Student organizations should follow reasonable procedures for safeguarding cash. The number of individuals authorized to receive and handle cash should be limited. The individuals who receive cash should prepare a log of all receipts, broken down by cash, checks payable to the University, and checks payable to the non-University charity, including the dates and amounts received, with totals for each category. Currency and checks should be kept in a secure location, and stored in a safe or other locked secure place with restricted access until deposited by the University or delivered to the non-University charity.
6. Funds raised by student organizations for their own group activities must be deposited in a University account and disbursed in accordance with established student activities guidelines. SAC recognized, GAPSA funded and UA sponsored student organizations should hand deliver all checks made payable to the University and all cash to the Office of Student Affairs Business Office Manager. The Office of Student Affairs should compare the record of the cash receipts and checks with the amount to be deposited. School Affiliated student organizations should hand deliver all checks and cash to their respective School Business Offices. Student organizations should not use cash received to pay expenses.
7. Checks made payable to a non-University charity should be sent by the student organization directly to the charity. The University will not issue gift receipts on behalf of non-University charities. Student organizations should contact non-University charities to determine whether the charities will provide gift receipts directly to donors.

## II. Non-University Groups

Non-University groups must follow the procedures for reserving and using University facilities at Perelman Quad.

# GRADUATION HONORS

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In recognition of distinguished academic achievement and high standards of academic integrity, the University of Pennsylvania awards Latin honors to undergraduate students based on the cumulative GPA on their transcripts at the time of graduation:

- **Summa Cum Laude:** 3.80 or higher
- **Magna Cum Laude:** 3.60 or higher, but less than 3.80
- **Cum Laude:** 3.40 or higher, but less than 3.60

A student who has received a sanction of probation or greater for a violation of the Code of Academic Integrity, the Code of Student Conduct, or the Sexual Violence, Relationship Violence, and Stalking Policy is not eligible for Latin honors. Notation of Graduation Honors will be removed from the transcript if the finding occurs after this honor has been posted.

(Source: Almanac, April 20, 2010, Volume 56, No. 30 (<http://www.upenn.edu/almanac/volumes/v56/n30/provost.html>), updated May 3, 2016, Volume 62, No. 33 (<http://www.upenn.edu/almanac/volumes/v62/n33/changes-to-policies.html>))

# GUIDELINES FOR ADDRESSING ACADEMIC ISSUES OF STUDENTS WITH DISABILITIES

The University of Pennsylvania is committed to providing access and equal educational opportunities to all students, including students with disabilities. Penn does not discriminate against students with disabilities. The University provides reasonable accommodation to a student's known disability in order to afford that student an equal opportunity to participate in University-sponsored academic and extracurricular programs, activities and services.

## Reason for Policy Guidance

This guidance, known as the *Provost's Memorandum*, serves two purposes:

- To provide guidance to faculty and staff so that they may reasonably accommodate and support students with disabilities without compromising academic standards and requirements;
- To assure students with disabilities that the University will provide access to all University-sponsored programs, benefits and activities through reasonable accommodation and program accessibility as required under the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended ("ADA").

## Protection from Discrimination

The Rehabilitation Act and the ADA prohibit discrimination against people with disabilities by institutions like Penn that receive or benefit from federal financial assistance. These and other laws require that reasonable accommodations be provided to otherwise qualified individuals with a disability.

## Some Key Definitions

*Disability* – A person with a disability is defined as an individual who

1. has a physical or mental impairment that substantially limits one or more major life activities,
2. has a record of such an impairment, or
3. is regarded as having such an impairment.

Examples of recognized disabilities include, but are not limited to, blindness, deafness, paralysis, diabetes, epilepsy, lupus, bipolar disorder, generalized anxiety disorder, HIV/AIDS, specific learning disabilities, autism spectrum disorder and Attention Deficit Hyperactivity Disorder (ADHD).

*Reasonable Accommodation* – A reasonable accommodation is a modification or adjustment that enables an otherwise qualified individual with a disability full access to participation in University-sponsored programs. These modifications should not fundamentally alter the purpose or requirements of the course or program. Reasonable accommodations are determined on an individual basis and take into account the functional limitations of the impairment. Accommodations may vary from class to class depending upon course content and format.

They are intended to be effective and reasonable; they may not be exactly what the student wishes or requests.

*Appropriate Documentation* – Appropriate documentation is a written evaluation or report provided by a clinician in a specific profession or area of expertise who is considered qualified to make the diagnosis. The documentation must be current and comprehensive and may include clinical and social histories from parents, counselors and specialists. A diagnosis must be included. Documentation must identify the student's specific functional limitations within the academic setting and must show substantial limitation compared to most people. The documentation should conform to well-established practices in specific area(s)/field(s). For more information, see *Documentation Guidelines* on the Student Disabilities Services website at the following link: [http://www.vpul.upenn.edu/lrc/sds/ps\\_documentation\\_guidelines.php](http://www.vpul.upenn.edu/lrc/sds/ps_documentation_guidelines.php).

## Responsible University Office

Students with disabilities and temporary conditions are served by the Office of Student Disabilities Services (SDS). The office is located in the Weingarten Learning Resources Center (WLRC), a department under the Office of the Vice Provost of University Life. SDS is responsible for assessing all student requests for accommodations and determining reasonable accommodations for students with disabilities.

The Office of Student Disabilities Services is available to assist faculty and professional staff with the provision of academic accommodations and for consultation regarding students with disabilities.

Phone: (215) 573-9235

TTY: (215) 746-6320

Fax: (215) 746-6326

E-mail: [disabilityservices@vpul.upenn.edu](mailto:disabilityservices@vpul.upenn.edu)

## Accommodation Procedures

### Responsibilities of Students

Students with disabilities who seek accommodation at Penn are responsible for self-identifying with SDS. Identification may take place upon admission or at any time during the student's course of study.

Students requesting accommodations are responsible for providing documentation, at their own expense, according to the guidelines published on the SDS website: [http://www.vpul.upenn.edu/lrc/sds/ps\\_documentation\\_guidelines.php](http://www.vpul.upenn.edu/lrc/sds/ps_documentation_guidelines.php). SDS may request additional information if the documentation provided does not support the existence of a disability or the need for the accommodations requested.

The SDS Documentation Review Committee thoroughly reviews the documentation and accommodations are determined through an interactive process with input from the student. Consultation with faculty may be important in determining how to best accommodate a student in a specific course. A determination from the Committee may take four to six weeks, or longer if additional information is needed. For examples of reasonable accommodations, please see the SDS website: [http://www.vpul.upenn.edu/lrc/sds/academic\\_accommodations](http://www.vpul.upenn.edu/lrc/sds/academic_accommodations) ([http://www.vpul.upenn.edu/lrc/sds/academic\\_accommodations/](http://www.vpul.upenn.edu/lrc/sds/academic_accommodations/)).

Students who are approved for accommodations must authorize SDS to inform professors about their approved accommodations. They must also make online requests to SDS for individual exam accommodations each semester. Students are encouraged to introduce themselves to professors to initiate a dialogue about their particular needs.

## Responsibilities of Faculty and Staff

Faculty and staff are responsible for ensuring equity and access in their programs and classrooms. The SDS approved accommodations should not fundamentally alter the academic requirements essential to a course or program of study or to licensing prerequisites. It is also important to recognize that students with disabilities must reach the same performance standards to fulfill degree requirements as their non-disabled peers. Accommodations provide students with disabilities equal access, not an unfair advantage.

*Instructors are required to accommodate students only after receiving an email from SDS indicating the accommodations that have been approved.* A statement about services for students with disabilities should be included in the syllabus for each course. Below is a sample syllabus statement:

### Sample Syllabus Statement

The University of Pennsylvania provides reasonable accommodations to students with disabilities who have self-identified and received approval from the Office of Student Disabilities Services (SDS). If SDS has approved your request for accommodations, please make an appointment to meet with me as soon as possible in order to discuss the arrangements for your accommodations.

If you have not yet contacted Student Disabilities Services, and would like to request accommodations or have questions, you can make an appointment by calling (215) 573-9235. The office is located in the Weingarten Learning Resources Center at Stouffer Commons, 3702 Spruce Street, Suite 300. Please visit the SDS website at <http://www.vpul.upenn.edu/lrc/sds/index.php> (<http://www.vpul.upenn.edu/lrc/sds/>).

SDS services are free and confidential.

### Accommodated Exams

In order to effectively manage the logistics of exam accommodations, instructors are expected to respond promptly to SDS emails requesting information about exam accommodations. Although the exam may not be written until shortly before the exam date, other details are needed by the SDS accommodations staff as early as possible in order to arrange for exam administration and inform students of the arrangements. Professors are encouraged to provide SDS with exams as early as possible prior to the exam to allow SDS time to prepare exam materials. Exams are locked in a secure location until the exams are being administered.

In the event that questions arise during the administration of the exam at SDS, it is important that SDS has contact information for the instructor or TA (phone, text and/or email).

The *Standards for Accommodating Exams for Students with Disabilities* is available on the SDS website: <http://www.vpul.upenn.edu/lrc/sds/StandardsforAccommodatingExams.php>. This document provides guidelines for accommodated exams that are administered by faculty or their designees.

### Note-taking Announcements

Faculty may be asked to assist SDS by identifying note-takers through an announcement or email to the class and referring interested note-takers to SDS. A template for the email will be included when SDS contacts faculty regarding note-taker accommodations.

## Accessibility of Information and Course Materials

Faculty should collaborate with their department offices and SDS to ensure that their course materials, presentations, audio-visual materials and exams are available in an accessible format for students with sensory and print disabilities.

## Confidentiality

All disability documentation provided by the student is confidential and remains in the Office of Student Disabilities Services for the purpose of determining reasonable accommodations. *Students may not request accommodations from faculty that have not been approved by SDS. If documentation is provided to the instructor, it should be returned to the student and the student should be referred to SDS.*

Faculty should refrain from discussing a student's disabilities and accommodations in front of the class, in the presence of other students or to faculty or staff not directly involved in the accommodation process.

## Reconsideration Process

Students may request reconsideration of the SDS accommodation determination through the *SDS Reconsideration Process* found on the website at: <http://www.vpul.upenn.edu/lrc/sds/reconsiderationprocess.php>.

## Concerns and Complaints

The Office of Affirmative Action and Equal Opportunity Programs is responsible for overseeing the University's implementation of its equal opportunity and nondiscrimination obligations arising under Federal, Commonwealth, and local laws. Any concerns or complaints should be addressed to:

Office of Affirmative Action and Equal Opportunity Programs  
Sansom Place East  
3600 Chestnut Street, Suite 228  
Philadelphia, PA 19104-6106  
(215) 898-6993 (voice) or (215) 746-7088 (fax)  
<http://www.upenn.edu/affirm-action/discrimination.html>.

## Additional Information

Related policies and procedures are available on the SDS website (<http://www.vpul.upenn.edu/lrc/sds/>) in the section for Faculty and Staff.

*This Memorandum is available in alternate format upon request.*

Student Disabilities Services  
Weingarten Learning Resources Center  
3702 Spruce Street, Suite 300, Stouffer Commons  
Philadelphia, PA 19104-6027  
(215) 573-9235

(Source: Almanac, July 14, 2015, Volume 62, No. 01 (<http://www.upenn.edu/almanac/volumes/v62/n01/guidelines-students-disabilities.html>))

# GUIDELINES FOR RESEARCH IN THE COMMUNITY

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A significant number of Penn faculty and students are engaged in research that involves the study of the Philadelphia community, and, in particular, West Philadelphia, or that involves community members as research subjects. As in all research conducted under the auspices of the University, such research should adhere to the appropriate protocols for the protection of human subjects and must be approved by the University's Institutional Review Board.

Although the Institutional Review Board does an excellent job of protecting individual subjects, community-based research raises additional questions about research protocols and approaches. The populations studied are often Penn's neighbors, and as such, the approaches undertaken should reflect the importance of that relationship to Penn, and the values of mutual respect and trust that should guide all of our collaborative activities with the community. The University also recognizes that mutual respect and trust are necessary preconditions for the honest and open exchange of ideas that is essential to genuine learning and the advancement of academic inquiry.

The University views its relationship with the Philadelphia community as a partnership. Accordingly, and to the extent possible, Penn faculty and students should engage the community in helping to plan research projects. Also, the findings should be shared with the community so that all parties can benefit.

1. As in all research involving human subjects, undertaken under University auspices, research in the community must be approved by the Institutional review Board, and meet all of the required protections of human subjects.
2. Whenever possible, researchers investigating community issues should work with community-based organizations to discuss all aspects of the research process, including problem definition, hypothesis generation, study design, data analysis, and dissemination.
3. Whenever possible, researchers should have a dissemination plan that includes distribution or presentation of results to community members and organizations, particularly those who participated in the research.
4. Researchers should determine if other projects are underway in a community, and whenever possible, coordinate efforts with other research projects to minimize disruption and maximize positive impacts on community members and organizations.
5. In the spirit of mutual learning and benefit, researchers should consider how study results could be used to the benefit of the community whenever possible, and should make extra efforts to communicate those recommendations to appropriate community members.

(Source: Almanac, May 19/26, 1998, Volume 44, No. 34 (<http://www.upenn.edu/almanac/v44/n34/orresguide.html>))

# GUIDELINES FOR STUDENT PETITIONS REGARDING COURSE REGISTRATION DEADLINES

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To create a shared structure for student decision-making across the four undergraduate schools, the Council of Undergraduate Deans provides a set of guidelines for setting course registration deadlines that apply to all traditional undergraduate students each term. These course registration deadlines – deadlines for adding a course, dropping a course, withdrawing from a course, and changing the grade type in a course – are not subject to extension or any other revision by individual instructors for individual courses or students. Students are responsible for knowing these deadlines.

There are rare instances in which an exception to the expected timeframe for student decision-making might be appropriate, however. In consultation with academic advising staff in their home school administrative offices, students may submit a petition to request such an exception. Each undergraduate school administrative office has its own procedure for the submission and review of student petitions. Students are expected to provide proper documentation of the pertinent details.

School committees carefully review this documentation when evaluating petitions.

To set realistic expectations regarding the likelihood of such requests being approved, the Undergraduate Working Group is highlighting the limited circumstances in which student requests for exceptions are even considered. Petitions outside of these circumstances are typically not approved, and petitions might still be denied even in these limited circumstances.

Circumstances in which petitions are considered, **but not always approved:**

1. An acute condition arises for the student around the time of the pertinent deadline that impedes sound decision making within the expected timeframe
2. Student acted on erroneous information obtained from a faculty member, an advising staff member or a school/department website
3. Undue hardship that would alter student status at the University

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Approved November 20, 2019

# GUIDELINES FOR STUDENT PROTECTION IN SPONSORED RESEARCH PROJECTS

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Participation in sponsored research may be an important part of a student's undergraduate or graduate education, as well as an important source of his or her financial support. The University recognizes that the student must be protected in cases where the terms of the research project conflict with the student's academic progress, and affirms that the student has the right to reject such funding if he or she chooses to do so. The University recognizes the sensitivity of these issues, since they pertain directly to the relationship of personal trust which exists between a student and his or her faculty sponsor; they are also fundamental to the development of the student's intellectual and moral integrity. Therefore, the University adopts the following policy:

1. The University recognizes the central role of sponsored research in fostering educational opportunities for students at all levels and in every discipline and encourages the involvement of students in research projects. On rare occasions, the terms of a research agreement may contain limitations which may inhibit the participation of students, such as delays in publication of results which might conflict with a student's academic schedule. In such cases, the University requires that careful consideration be given to the appropriateness of student participation and that the Faculty Sponsor or Principal Investigator assures in advance that students are fully aware of any such restrictions.
2. The University affirms the student's right to know the source(s) of financial support for his or her educational and living expenses, individual research projects, or the research activities of a faculty sponsor in which the student is involved and from which the student obtains financial support. It is the responsibility of the faculty sponsor to make this information known to the student.
3. Should a student choose to reject financial assistance, the University affirms and upholds the student's right to do so.

(Source: Almanac, October 21, 1986, Volume 33, No. 09 (<http://www.upenn.edu/almanac/v33pdf/n09/102186.pdf>))

# GUIDELINES FOR THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS AT THE UNIVERSITY OF PENNSYLVANIA

The University of Pennsylvania establishes the following Guidelines to govern the operation by any person of an Unmanned Aircraft System (UAS) on or above the University of Pennsylvania's campus or properties. These guidelines are established to support the use of Unmanned Aircraft Systems in ways that ensure the safety and protect the privacy of all members of the University community and promote compliance with all applicable federal and state laws. These guidelines cover the University of Pennsylvania Campus, Morris Arboretum, New Bolton Center, and Pennovation Works.

The University of Pennsylvania, consistent with the regulations and guidance from the Federal Aviation Administration, allows the operation of a UAS on or above the Penn campus for permitted educational and recreational purposes (for which a Section 107 Remote Pilot in Command Certification is optional) and research or UAS-dedicated curriculum purposes (for which a Section 107 Remote Pilot In Command Certification is mandatory) provided that all operations are in compliance with the following guidelines:

- The operation of the UAS is a component of research, science, technology, communication, art, or aviation-related coursework at Penn, or 2) recreational and hobby use is conducted at the designated location for UAS operation at Penn, Penn Park South Field, Attachment A. Scheduled hours for operation are set monthly, and can be found at <http://www.pennathletics.com/page/athletic-facilities-schedules> (<http://www.pennathletics.com/page/athletic-facilities-schedules/>) under the South Field schedule. The University of Pennsylvania reserves the right to restrict use to Penn-affiliated persons.
- Operation of the UAS aircraft must adhere to these restrictions:
  - Flights must be below 200 feet and clear of surrounding obstacles.
  - Flights may not exceed 100 mph.
  - UAS must be in visual sight of its operator at all times.
  - UAS may not operate over any persons not participating in the operation or in a building or other covered structure.<sup>1</sup>
  - UAS must remain clear of all manned aircraft operations. Note: Penn Hospitals have frequent medical helicopter flights coming and going and all UAS operations must not be in proximity to or interfere with medical helicopter flights.
    - Anyone intending to operate a UAS at the University of Pennsylvania must notify the PennSTAR Communications Center, 215-662-7736 (primary) or 215-662-7737 (alternate), at least one hour prior to the flight and provide flight location and duration.
      - Individual notification is not required for flights at the designated Penn South Field UAS location during scheduled flight hours.
  - No flights are allowed in proximity of large gatherings of people or sporting events.

- No flights are allowed 30 minutes before official sunset to 30 minutes after official sunrise.<sup>2</sup>
- UAS must weigh less than 55 pounds.
- No reckless operation.
- UAS may not be used to photograph, video, record or monitor areas or locations where members of the University of Pennsylvania community or members of the general public would have a reasonable expectation of privacy.
- The operator must safely ground and suspend operations of any UAS when ordered by a University of Pennsylvania Police Officer or public safety official.
- UAS use must comply with all federal, state, and local laws and guidelines.
  - The operator of a UAS weighing between .55 to 55 pounds must register the UAS with the FAA.
  - Information on FAA rules and online registration can be accessed at: <http://www.faa.gov/uas/registration> (<http://www.faa.gov/uas/registration/>).
  - Registration of a UAS aircraft under .55 pounds is not required, but all other safety restrictions apply.
- Recreational and educational operators may not receive any compensation (including cost reimbursement, honorarium, or pay) directly or indirectly related to operation of the UAS.
- Any use for instructional, research, or commercial purposes by Penn faculty, students, and staff must comply with all FAA Part 107 or Section 333 requirements. ([https://www.faa.gov/uas/media/Part\\_107\\_Summary.pdf](https://www.faa.gov/uas/media/Part_107_Summary.pdf), [https://www.faa.gov/uas/beyond\\_the\\_basics/section\\_333/333\\_authorizations/media/University-of-Pennsylvania-14755.pdf](https://www.faa.gov/uas/beyond_the_basics/section_333/333_authorizations/media/University-of-Pennsylvania-14755.pdf)). Flight restrictions in these guidelines may be modified through compliance with the FAA waiver application and approval process.
- **Commercial Operation of UAS**
  - All civil commercial UAS use must comply with all federal, state and local laws and guidelines and operators must obtain a Part 107 Certification, a Section 333 Exemption, or a "Special Airworthiness Certificate" issued by the FAA.
  - Commercial use of a UAS from or above University of Pennsylvania property is permitted only for educational, research, or University-related purposes.
  - A commercial UAS operator must provide proof of \$5 Million in general liability insurance on an occurrence basis, with a certificate of insurance naming the Trustees of the University of Pennsylvania as an additional insured. Proof of insurance shall be submitted to the University of Pennsylvania risk management department prior to flight operations.
  - A commercial UAS operator must be accompanied by a representative of the University of Pennsylvania at all times when operating a UAS on University property.

## Penalties for Violation of University UAS Guidelines

Any violation of law (trespassing, illegal surveillance, reckless endangerment, etc.) or violation of this policy may subject the individual responsible for the violation to disciplinary action and/or prosecution.

Any damages or injuries to property or individuals during the operation of a UAS on University of Pennsylvania property, other than for a University of Pennsylvania authorized research or educational use, shall be the sole financial responsibility of the UAS operator. However, an operator shall

be solely liable for negligent or intentional use outside of the authorized research or educational use.

For questions regarding the operation of a UAS at the University of Pennsylvania, you may contact:

Division of Public Safety 215-573-3333

<sup>1</sup> This restriction does not apply to UAS operations in secured UAS research and development areas such as those at SEAS and Pennovation.

<sup>2</sup> This restriction does not apply to UAS operations in secured UAS research and development areas such as those at SEAS and Pennovation.

# GUIDELINES ON OPEN EXPRESSION

## I. Principles

- A. The University of Pennsylvania, as a community of scholars, affirms, supports and cherishes the concepts of freedom of thought, inquiry, speech, and lawful assembly. The freedom to experiment, to present and examine alternative data and theories; the freedom to hear, express, and debate various views; and the freedom to voice criticism of existing practices and values are fundamental rights that must be upheld and practiced by the University in a free society.
- B. Recognizing that the educational processes can include meetings, demonstrations, and other forms of collective expression, the University affirms the right of members of the University community to assemble and demonstrate peaceably in University locations within the limits of these Guidelines and undertakes to ensure that such rights shall not be infringed. In keeping with the rights outlined in I.A. (p. 73) above, the University affirms that the substance or the nature of the views expressed is not an appropriate basis for any restriction upon or encouragement of an assembly or a demonstration. The University also affirms the right of others to pursue their normal activities within the University and to be protected from physical injury or property damage. The University shall attempt to ensure that, at any meeting, event or demonstration likely to be attended by non-University law enforcement authorities, the rights provided by these Guidelines are not infringed.
- C. The University shall be vigilant to ensure the continuing openness and effectiveness of channels of communication among members of the University community on questions of common interest. To further this purpose, a Committee on Open Expression has been established as a standing Committee of the University Council. The Committee on Open Expression has as its major tasks: participating in the resolution of conflicts that may arise from incidents or disturbances implicating these Guidelines; mediating among the parties to prevent conflicts and violations of these Guidelines; interpreting these Guidelines; advising administrative officers when appropriate; and recommending policies and procedures for the improvement of all levels of communication.
- D. In case of conflict between the principles of the Guidelines on Open Expression and other University policies, the principles of the Guidelines shall take precedence.

## II. Definitions

- A. For the purposes of these guidelines, the "University community" shall mean the following individuals:
  1. Persons who are registered as students or who are on an unexpired official leave of absence.
  2. All persons who are employed by the University.
  3. Trustees and associate trustees of the University and members of Boards of Overseers or other bodies advisory to the University.
- B. For the purposes of these Guidelines, "meeting" and "event" designate a gathering of persons in a University location previously reserved for that purpose. Unless designated as public, meetings are considered to be private. Events are considered to be public. "Demonstration" designates the presence of one or more persons in a University location with the intent to express a particular point of view in a

manner that attracts attention, as in protest, rallies, sit-ins, vigils, or similar forms of expression. "University location" designates:

1. The campus of the University;
2. Any location owned, leased or used by the University, when used by members of the University community; and
3. Areas immediately adjacent thereto.

## III. Standards

- A. The University, through the President, the Provost, and the Vice Provost for University Life, shall act to encourage and facilitate free and open expression within these Guidelines.
  1. The University shall publish these Guidelines at least once each academic year in a manner that brings them to the attention of members of the University community. The University shall publish the rules adopted pursuant to IV.B.1 (p. 74) by the Committee on Open Expression at least once each academic year in a manner that brings them to the attention of members of the University community.
  2. The University shall establish standards for the scheduling of meetings and events. This shall involve:
    - a. Publishing policies and procedures whereby members of the University community, upon suitable request, can reserve and use designated spaces within University buildings for public or private meetings or events;
    - b. Publishing policies and procedures whereby members of the University community, upon suitable request, can reserve and use designated outdoor spaces on the University campus for public meetings or events;
    - c. Publishing policies and procedures that specifically address requests involving groups composed entirely or predominantly of persons who are not members of the University community (see Section VI (p. 76));
    - d. Consulting with the Committee on Open Expression with regard to the substance of the policies and procedures and the manner of their publication; and, if practicable, consulting with the Committee on Open Expression before denying a request for use of a room, facility, or space by an organization recognized by the University for a reason other than prior assignment of the room, facility, or space. In any event, any such denial must be reported promptly to the Committee.
- B. Each member of the University community is expected to know and follow the Guidelines on Open Expression. A person whose conduct violates the following Standards may be held accountable for that conduct, whether or not the Vice Provost or delegate has given an instruction regarding the conduct in question. Any member of the University community who is in doubt as to the propriety of planned conduct may obtain an advisory opinion from the Committee on Open Expression in advance of the event.
  1. Individuals or groups violate these Guidelines if:
    - a. They interfere unreasonably with the activities of other persons. The time of day, size, noise level,<sup>1</sup> and general tenor of a meeting, event or demonstration are factors that may be considered in determining whether conduct is reasonable;
    - b. They cause injury to persons or property or threaten to cause such injury;
    - c. They hold meetings, events or demonstrations under circumstances where health or safety is endangered; or
    - d. They knowingly interfere with unimpeded movement in a University location.

2. Individuals or groups violate these Guidelines if they hold a demonstration in the following locations:
  - a. Private offices, research laboratories and associated facilities, and computer centers; or
  - b. Offices, museums, libraries, and other facilities that normally contain valuable or sensitive materials, collections, equipment, records protected by law or by existing University policy such as educational records, student-related or personnel-related records, or financial records; or
  - c. Classrooms, seminar rooms, auditoriums or meeting rooms in which classes or private meetings are being held or are immediately scheduled; or
  - d. Hospitals, emergency facilities, communication systems, utilities, or other facilities or services vital to the continued functioning of the University.
3.
  - a. Individuals or groups violate these Guidelines if they continue to engage in conduct after the Vice Provost for University Life or delegate has declared that the conduct is in violation of the Guidelines and has instructed the participants to modify or terminate their behavior. Prompt compliance with the instructions shall be a mitigating factor in any disciplinary proceedings based upon the immediate conduct to which the instructions refer, unless the violators are found to have caused or intended to cause injury to person or property or to have demonstrated willfully in an impermissible location.
  - b. If the individuals or groups refuse to comply with the Vice Provost's or delegate's order, they may challenge the appropriateness of the order to the judicial system. If the judiciary finds that the conduct was protected by the Guidelines, all charges shall be dismissed.
  - c. Individuals or groups complying with the Vice Provost's or delegate's order may request that the Committee on Open Expression determine if the Guidelines were properly interpreted and applied to their conduct.
3. The Chair of the Committee shall be selected by the Committee on Committees from among the members of the Committee on Open Expression.

#### B. Jurisdiction

The Committee has competence to act in issues and controversies involving open expression in accordance with these Guidelines. The Committee's responsibilities are the following:

1. Issuing rules to interpret or give more specific meaning to the Guidelines. Before adopting a rule, the Committee must hold an open hearing on the proposed rule and receive the views of individuals or groups. An affirmative vote of eight members is required for adoption, modification or rescision of a rule to be effective.
2. Recommending to the University Council proposals to amend or repeal the Guidelines. An affirmative vote of seven members is required to make such recommendations.
3. Giving advisory opinions interpreting the Guidelines at the request of a member of the University community for the purpose of advising that person or the University community. Such advice is provided to guide future action. If the Committee does not give a requested opinion, it must indicate its reasons for not doing so. The Committee must respond to such requests as soon as feasible but in any event not later than within one month of the receipt by the Chair of the Committee.
4. Giving advisory opinions interpreting the Guidelines at the request of administrative officials with responsibilities affecting freedom of expression and communication. Such advice is provided for the purpose of guiding future action.
5. Mediating in situations that involve possible violations of the Guidelines. Those Committee members available at the time may act on behalf of the Committee. In carrying out the mediation function, the Committee or those members present may advise the responsible administrative officials and any other person with respect to the implementation of the Guidelines. Those Committee members who have acted on behalf of the Committee must report on their activities to the full Committee.
6. Reviewing the following administrative decisions for the purpose of providing advice on future actions.
  - a. At the discretion of the Committee, administrative decisions involving these Guidelines made without consultation with the full Committee.
  - b. All instructions by the Vice Provost or delegate to modify or terminate behavior under Section III.B.3 (p. 74) of these Guidelines.
7. Investigating incidents involving the application of these Guidelines to aid the Committee in its functions of rule making, recommending changes in the Guidelines or issuing advisory opinions. Such functions provide guidance to the University community for future action. The results of Committee investigations for these purposes shall not be a part of the initiation, consideration or disposition of disciplinary proceedings, if any, arising from the incidents.
8. Adopting procedures for the functions of the Committee, varied to suit its several functions, consistent with these Guidelines. Procedures that are not wholly matters of internal Committee practice must be made public in advance of implementation. Except as otherwise provided, the Committee may determine its own voting procedures.

## IV. Committee on Open Expression

### A. Composition

1. The Committee on Open Expression consists of seventeen members: eight faculty members named by the Faculty Senate Executive Committee, two representatives of the Penn Professional Staff Assembly, one representative of the Weekly-Paid Professional Staff Assembly, and three undergraduate students and three graduate/professional students selected by the appropriate student governance organizations (currently the Nominations and Elections Committee of the Undergraduate Assembly and the Graduate and Professional Student Assembly).
2. Members of the Committee are appointed for the following terms:
  - a. The faculty and representatives of the Penn Professional Staff Assembly are appointed to two-year terms, staggered so that in each year either two or three faculty members are appointed and one representative of the Penn Professional Staff Assembly is appointed.
  - b. The representative of the Weekly-Paid Professional Staff Assembly is appointed for a two-year term.
  - c. The undergraduate and graduate/professional student members are appointed to one-year terms.
  - d. Vacancies shall be filled for the unexpired term by the appropriate nominating body or persons.

9. Submitting an annual report to the Council and the University on the status of the Committee's work in the University journal of record.

### C. Procedures

1. Except as provided with respect to the mediation function in Section IV.B.5 (p. 74), seven members of the Committee constitute a quorum.
2. The Committee can authorize subcommittees, selected from its own members, to act for the Committee in any matter except the issuance of rules interpreting or implementing the Guidelines or the making of recommendations to amend or repeal the Guidelines.
3. The Committee shall respect the privacy of individuals as its general policy and shall maintain the right to declare the confidentiality of its proceedings.
  - a. If a person appearing before the Committee requests that his or her testimony or information be kept confidential, the Committee shall consider such a request. The Committee then shall determine whether to honor that request and shall inform that person of its decision before testimony is given.
  - b. Minutes of particular Committee meetings may be declared confidential by the Committee or be so declared at the discretion of the chair subject to review by the Committee.
  - c. All Committee documents containing confidential material, as determined by the chair, shall be clearly marked "confidential" and shall carry a warning against unauthorized disclosure.

- C. The Vice Provost or delegate is responsible for enforcing Section III.B (p. 73). and may instruct anyone whose behavior is violating or threatens to violate these Guidelines to modify or terminate such behavior. The instruction shall include notice that failure or refusal to comply is a further violation according to Section III.B (p. 73). of these Guidelines. However, an instruction or warning by the Vice Provost or delegate is not a prerequisite for a finding that a violation has occurred.

1. When the Vice Provost or delegate declares that an individual or a group has violated the Guidelines, he or she may request to examine their University identification.
  - a. Failure to comply with this request is in violation of the Guidelines.
  - b. In the event that any person(s) are deemed by the Vice Provost or delegate, in consultation with available members of the Committee on Open Expression, to have violated the Guidelines and such person(s) refuse to show University or other identification, the Vice Provost or delegate shall if practicable inquire of other individuals present as to the identity of the claimed violator(s). Identification by two other individuals shall suffice to establish identity. Should it not be possible to establish identity in this way, the Vice Provost or delegate may direct that photographs be taken of the participant(s) in the claimed violation. The Vice Provost or delegate must warn the individual(s) that their photographs will be taken unless identification is presented. Photographs and videotapes obtained without such warning may not be used as evidence in disciplinary proceedings. It is preferred that a member of the Committee on Open Expression take any such photographs; however, if no such person is able or willing to do so, another member of the University community may be requested to do so. As soon as safely practicable, all such photographs shall be turned over to the Vice Provost or delegate. Any photographs taken (including videotapes and negatives) shall be used solely by the Office of Student Conduct for the purpose of investigation of alleged violations and possible identification of alleged violators of these Guidelines. If it is determined that no violation has occurred, the Vice Provost or delegate shall destroy the photographs. If a violation is found to have occurred, after identification has been made and the case has been adjudicated, the Vice Provost or delegate shall destroy the photographs. None of the photographs shall be published. After each incident at which photographs are taken, the Committee on Open Expression shall report on the incident to the University Council, via the chair of the University Council Steering Committee, regarding what happened in the incident, which individuals saw the photographs, and the disposition of the photographs.
2. In carrying out this responsibility for safeguarding the right of open expression, the Vice Provost shall obtain the advice and recommendation of the representatives of the Committee on Open Expression whenever feasible.
3. The Vice Provost or delegate may request members of the University Police to attend meetings, events or demonstrations to help protect the open expression of those involved.
  - a. Any person acting as an agent of the Division of Public Safety who attends a meeting, event or demonstration in a University location shall be clearly identifiable as such and in normal duty uniform. (Arms may be carried if they are part of "normal duty uniform.")

## V. Responsibilities for Enforcement

- A. It is the responsibility of the Vice Provost for University Life (hereafter referred to simply as the "Vice Provost") to protect and maintain the right of open expression under these Guidelines.
- B. Observation of meetings, events or demonstrations, when deemed necessary by the Vice Provost to protect and maintain open expression, shall be the responsibility of the Vice Provost, who may delegate such responsibility. This delegate shall have full authority to act in the name of the Vice Provost under these Guidelines.
  1. The observer (Vice Provost or delegate) shall identify himself or herself to those responsible for the meeting or event or to the leaders of the demonstration.
  2. The Vice Provost shall attempt to inform the chair of the Committee on Open Expression of meetings, events or demonstrations to which an observer will be sent. The chair may designate a member or members of the Committee to accompany and advise the observer. Such a Committee representative shall also be identified to those responsible for the meeting or event or to the leaders of the demonstration.
  3. Except in emergencies, the Vice Provost's authority under these Guidelines shall not be delegated to employees of the University's Department of Public Safety. The role of public safety personnel at a meeting, event or demonstration is defined below, in Section V.C.3 (p. 75).
  4. Any observer or Committee representative who attends a meeting, event or demonstration shall respect the privacy of those involved. If there has been no violation of these Guidelines, other University regulations, or applicable laws, an observer, committee representative, or public safety employee who attends a meeting, event or demonstration shall not report on the presence of any person at such meeting, event or demonstration.

- b. Public Safety personnel also may attend meetings, events or demonstrations when requested to do so by the person or group responsible for the event, when prominent public figures are involved, or when the Commissioner of Public Safety or delegate determines that there exists an imminent danger of violence at the event.
- 4. Terminating a meeting, event or demonstration by force is a most serious step, as this action may exacerbate existing tensions and may lead to personal injury and property damage.
  - a. Avoidance of injury to persons by the continuation of a meeting, event or demonstration is a key factor in determining whether it should be forcibly terminated. Property damage and significant interference with educational processes are also factors to be considered and may be of sufficient magnitude to warrant forcible termination.
  - b. Whenever possible, the Vice Provost or delegate should consult with the Committee on Open Expression before seeking a court injunction against those involved in a meeting, event or demonstration or calling for police action.
  - c. The Vice Provost or delegate shall inform those involved that he or she intends to seek an injunction or call for police intervention before he or she does so.
  - d. When a meeting, event or demonstration is forcibly terminated, a full statement of the circumstances leading to the incident shall be publicized by the Vice Provost within the University.
- D.
  1. Cases involving undergraduate students are referred to the Office of Student Conduct who investigates the event and decides what disciplinary proceedings, if any, to pursue.
  2. Cases involving graduate or professional students are referred to the Office of Student Conduct or to the established disciplinary body of the school in which the student is enrolled.
  3. Cases involving faculty are referred to the appropriate Dean or to the Provost.
  4. Cases involving University staff or administrators are referred to that individual's supervisor or any other person with supervisory responsibility over that individual.
  5. Cases involving trustees and associate trustees of the University and members of the Boards of Overseers or other bodies advisory to the University are referred to the Executive Committee of the Trustees.
- E. The Division of Public Safety shall not collect or maintain information about members of the University community,<sup>2</sup> except in connection with alleged crimes, violations of University regulations, or as specifically authorized in writing by the President (to Public Safety and the Open Expression Committee). This regulation shall not affect personnel information concerning current, past or prospective employees of the Division of Public Safety.

## VI. Non-University Persons

These Guidelines address themselves explicitly to forms of individual and collective expression in a University location by members of the University community. The extent to which the privileges and obligations of these Guidelines may be made applicable in particular circumstances to individuals who are not members of the University community shall be determined by the Vice Provost or delegate. Participants in meetings, events and demonstrations in a University location are required to comply with the instructions of the Vice Provost or delegate. (See III.A.2.c (p. 73).)

- <sup>1</sup> An "unreasonable noise level" is defined as sound above 85 decibels measured by a calibrated sound-level meter at an "A" weighting on "slow" response ten feet away from and directly in front of the source, amplifier or loudspeaker when the latter is within 50 feet of a building.
- <sup>2</sup> Videotaped or closed circuit television information collected by posted, fixed location cameras is excluded, as long as it is in conformance with the rules of the CCTV policy as of January 13, 1999.

(Source: Almanac, March 16, 1993 (<https://almanac.upenn.edu/archive/v39pdf/n25/031693.pdf>))

## Interpretative Guidelines (Sections I & II) Adopted by the 2014-2015 Committee on Open Expression

These are interpretative guidelines adopted by the members of the 2014-2015 Committee on Open Expression of the University, pursuant to the Guidelines on Open Expression, Section IV.B.

### I. Inviting Speakers to Campus

- A. The Guidelines clearly express the foundational value of free speech at Penn (I.A.): "The University of Pennsylvania, as a community of scholars, affirms, supports and cherishes the concepts of freedom of thought, inquiry, speech, and lawful assembly. The freedom to experiment, to present and examine alternative data and theories; the freedom to hear, express, and debate various views; and the freedom to voice criticism of existing practices and values are fundamental rights that must be upheld and practiced by the University in a free society." These values are of paramount importance: "In case of conflict between the principles of the Guidelines on Open Expression and other University policies, the principles of the Guidelines shall take precedence" (I.D).

By allowing a controversial speaker to speak or a group to organize and invite a speaker or hold an event, the University of course in no way endorses that speaker's or event organizer's content or viewpoint; rather, it affirms the value of creating a robust marketplace of ideas and fostering reasoned disagreement and discourse.

- B. The Guidelines on Open Expression already unambiguously forbid discriminating against particular content and viewpoints (I.B): "the substance or nature of the views expressed is not an appropriate basis for any restriction upon or encouragement of an assembly or demonstration." The unpopularity of a speech's content or viewpoint is not a reason to suppress speech. Objectors may not have a "heckler's veto" over speech with which they disagree. Allowing threats of protests or violence to suppress speech in any way would encourage protesters to make such threats. In keeping with this foundational principle, the University has never revoked a commencement speaker's invitation to speak based upon the substance of the speaker's views, including any controversy they might generate.

Most speakers at Penn are invited not by the University itself, but by particular organizations, departments, schools, and individuals at Penn. The Guidelines protect members of the entire University community against official reprisals for hosting controversial speakers and events. An event organizer is at liberty to change its

mind freely, without duress, and to cancel an event or a speaker invitation. Other members of the University community likewise have the right to criticize a proposed speaker's or event's substance or viewpoint, or even to call upon the event organizer to cancel an event or rescind an invitation. But they may not go beyond criticism to exert any duress on the event organizer or speaker to withdraw. Duress includes any express or implied threat—by an administrator, a member of an administrative staff, a student leader, or a faculty member or teaching assistant in a supervisory or hierarchical relationship to an event organizer or speaker (particularly one within the same department or school)—to an organization's or speaker's or event's safety, recognition, registration, budget, funding, or access to venues or security, or to any faculty, student, administrator, or staff member's employment, tenure candidacy, funding, grades, honors, academic standing, or other status within the University, or a threat of violence or similar unlawful conduct. Any such duress, express or implied, gives rise to the natural inference that the actor is seeking to suppress speech because it is controversial or unpopular. That would amount to “any restriction upon” “the substance or nature of the views expressed,” in violation of the Guidelines (I.B).

- C. The norm at the University is to allow reservations of rooms and other venues on a first-come, first-served basis. Denying a room-reservation request on any other basis, or worse rescinding an existing reservation of a room or other venue, raises the almost inescapable inference that the denial or rescission is based on “the substance or nature of the views expressed” (I.B). Thus, the Guidelines already require, “if practicable, consulting with the Committee on Open Expression before denying a request for use of a room, facility, or space by an organization recognized by the University for a reason other than prior assignment of the room, facility, or space. In any event, any such denial must be reported promptly to the Committee” (III.A.2.d).

The same principle, in keeping with the Guidelines' letter and spirit, applies to the authorization of events and to the provision of security, audiovisual, publicity, and other logistical support. An organization must of course have a budget sufficient to defray the necessary expenses and must reserve any such resources sufficiently in advance to allow the University to provide them on a first-come, first-served basis. Once such reservations have been made with adequate funding and advance planning, however, and particularly once a student group, faculty member, school, department, or organization has formally invited a speaker, whether by contract or other formal invitation such as one on University letterhead, any rescission or compelled modification of existing reservations or security arrangements raises the strong inference that the rescission or modification is based on “the substance or nature of the views expressed” (I.B). “[I]f practicable, [any member of the University community must thus] consult[] with the Committee on Open Expression before denying [such] a request [or rescinding or forcibly modifying such a reservation] . . . for a reason other than prior [reservation of the scarce resource at issue]. In any event, any such denial [including a rescission or compelled modification] must be reported promptly to the Committee” (III.A.2.d).

- D. “[T]o ensure the continuing openness and effectiveness of channels of communications” at Penn, the Guidelines establish the Committee on Open Expression (I.C). The Committee is expressly charged with “its major tasks” of “interpreting these Guidelines” and “recommending policies and procedures for the improvement of

all levels of communication” (I.C). The Committee is also expressly charged with preventing, mediating, and resolving conflicts related to open expression (IV.B).

Penn's tradition strongly encourages consulting with interested stakeholders across campus. On issues involving open expression, such consultation ought to include the Committee on Open Expression and the Office of the Vice Provost for University Life. The Committee strongly encourages students, faculty, staff, and campus organizations and groups to raise such issues at the earliest possible opportunity. If a student group or other University of Pennsylvania affiliate believes that a member of the University community is violating or attempting to violate the Guidelines on Open Expression, including any of the foregoing provisions, it may ask the Office of the Vice Provost for University Life to mediate to resolve the issue. If the mediation does not produce a mutually satisfactory resolution, the aggrieved party may file a complaint with the Committee on Open Expression, or with the chair, administrative liaison, or members of the committee if a quorum is not immediately available.

## II. Open Expression in Electronic Media and Cyberspace

The University's Guidelines on Open Expression were originally drafted decades before the spread of email and the Internet and well before the creation of social media, and therefore do not expressly mention electronic forms of communication. But their principles apply equally online.

The value of free and open expression and vigorous debate apply with equal force to newer forms of communication, including emails, web sites, social media, and other technologies and communication media. As the University's Information Systems and Computing Department's Policy on Acceptable Uses of Electronic Resources puts it, “The University's commitment to the principles of open expression extends to and includes the electronic information environment, and interference in the exercise of those rights is a violation of this policy and of the Guidelines on Open Expression” <http://www.upenn.edu/computing/policy/aup.html> Whether communications occur on Locust Walk or in cyberspace, open expression remains equally valuable to the University and equally protected to the same extent, under the same principles, and subject to the same limitations as non-digital forms of communication.

(Source: Almanac, March 3, 2015, Volume 61 Issue 25 (<https://almanac.upenn.edu/archive/volumes/v61/n25/open-expression.html>); Almanac, July 14, 2015, Volume 62 Issue 1 (<https://almanac.upenn.edu/articles/council-2014-2015-year-end-report-of-the-committee-on-open-expression/>))

## Interpretative Guidelines (Section III) Adopted by the 2022-2023 Committee on Open Expression

June 20, 2023

These interpretative guidelines are adopted by the members of the 2022-2023 committee (Section III below), pursuant to the Guidelines on Open Expression, Section IV.B. This interpretation provides clarification to the University community regarding the role of the Committee on Open Expression (COE) on campus. Parenthetical references below are to the Guidelines on Open Expression (guidelines). This interpretation is

adopted in accordance with Section IV.B.1 of the guidelines and will be published as Section III of the Interpretive Guidelines.

### **III. Clarification of the Role of the Committee on Open Expression within the University Community**

1. The Vice Provost for University Life (VPUL) or its delegate (VPUL-D) has the authority to determine if the guidelines are being violated by any member of the University community. The COE is advisory to the VPUL and to members of the University community regarding interpretations of the guidelines (Section II.B). COE members may assist in offering real time advice to requesting parties regarding the Open Expression guidelines if they are present during a situation that involves possible violations of the guidelines. Currently, the VPUL refers to its delegates as “Open Expression Observers,” which has led some members of the University community, including some students, to view them incorrectly as representatives of the COE. In order to avoid confusion, the COE recommends that VPUL refer to its delegates instead as VPUL-delegates charged with enforcing the guidelines (Section III) but who do not represent the COE.

2. The VPUL or a VPUL-D may intervene to address in real time any conduct that it has declared to be in violation of the guidelines (Section V.C). Intervention may include instructions to participants to modify or terminate their behavior (Id.). The COE interprets these provisions to mean the following:

- For students, compliance with instructions from the VPUL or a VPUL-D will have the consequence that no referral will be made by the VPUL to the Center for Community Standards and Accountability (CSA) for a disciplinary hearing or penalty. (The CSA was formerly known as the Office of Student Conduct and renamed in 2022.)
- Refusal to comply with these instructions may lead to a referral by the VPUL to the CSA, who will investigate the event and decide what disciplinary proceedings, if any, to pursue.

3. Whenever feasible, the VPUL and its delegates shall, in carrying out their responsibility for safeguarding the rights of open expression, obtain the advice and recommendation of the representatives of the Committee on Open Expression (Section V.C.2). The COE interprets this requirement to mean that the chair of the COE should be advised of any likely future possible controversial conduct or events (see also Section V.B.2) to determine if the COE should meet and provide anticipatory guidance. The COE recognizes that the VPUL and its delegates may sometimes need to act expeditiously in situations about which they did not have advance notice or warning. Even in these situations, all instructions given by the VPUL or its delegates to members of the University community to modify or terminate their behavior under the authority of the guidelines should be reported to the COE as soon as practical and in a manner agreed with the COE chair. (See Section IV.B.6.b.)

4. Any member of the University community (including, without limitation, the VPUL and any of its delegates, as well as students or student groups) may request advice from the COE. Although the COE may sometimes be requested to provide advisory opinions in advance about its interpretation of the guidelines (Section IV.B.3 & 4), its primary role is to review incidents in retrospect to provide guidance to the University community for future action (Section IV.B.6 & 7). The COE interprets these provisions to mean that the VPUL and its delegates, or any other members of the University community, including students and student groups, may consult with the COE in advance of meetings, events or demonstrations, but this is optional and choosing not to consult the COE in advance cannot be used as grounds for punitive action against any member of

the University community. Advance consultation with COE does not offer any blanket protection with respect to VPUL's enforcement jurisdiction. The COE shall respect the privacy of individuals as general policy and maintains the right to declare the confidentiality of its proceedings.

5. With respect to COE's responsibilities in reviewing administrative decisions for the purpose of providing advice for future action (Section IV.B.6 & 7), the COE interprets these provisions to mean that it may provide advice to the appropriate governing body (VPUL for students, deans for faculty, supervisors for staff, etc.) prior to referral regarding the application/interpretation of the guidelines. The COE may suggest that their advice be included in any referrals for consideration of any further adjudication and/or restorative practice. However, the COE acts in an advisory capacity only in this context, and its advice is not binding with respect to either a decision to bring a disciplinary action or the nature of such disciplinary actions.

(Source: Almanac, June 20, 2023, Volume 67 Issue 37) (<https://almanac.upenn.edu/articles/interpretative-guidelines-adopted-by-the-2022-2023-committee-on-open-expression/>)

# INVOLUNTARY LEAVE OF ABSENCE POLICY

## I. Introduction

The University of Pennsylvania provides a wide range of services to support and address the mental and physical health needs of students. Our first concern is for the health and welfare of each individual in our community. Our goal is to enable all of our students to participate fully as members of Penn's academic community. However, students whose psychiatric, psychological, or other medical condition causes them to pose a threat to themselves or others, or causes them to significantly disrupt the educational and other activities of the University community, may be required to take a leave of absence from the University. Under these circumstances, students will be given the opportunity to take a voluntary leave through the process in place in their school. Should a student decline to take a voluntary leave, the University may determine that the student's health and welfare, and/or the needs of the community, require a period of involuntary leave of absence. The following policy establishes the protocol under which an involuntary leave of absence may occur and the process for return from leave.

## II. Guidelines

The University may place a student on an involuntary leave of absence or require conditions for continued attendance under the following circumstances when the student exhibits behavior resulting from a psychological, psychiatric, or other medical condition that:

- threatens, harms, or has the potential to harm the health or safety of the student or others;
- causes or threatens to cause significant property damage; or
- significantly disrupts the educational and other activities of the University community.

The process for withdrawal and return from leave is set forth below.

## III. Withdrawal Process

When a student exhibits any of the behaviors described above, the matter should be brought to the attention of the Office of the Vice Provost for University Life who will be responsible for informing the Vice Provost for Education (or such person who holds those responsibilities at the time) that an involuntary leave may be warranted. The Office of the Vice Provost for University Life will manage the process, convene case conferences, and work with University and School offices to coordinate the delivery of services. In most cases, the student will be required to undergo an immediate assessment of his or her psychological, psychiatric or other medical condition. This assessment will be performed by Counseling and Psychological Services (CAPS), the Student Health Service, or other appropriate professionals.

The student will be notified that the Provost's Office is seeking to determine whether he or she should be required to take a leave of absence. When reasonably possible, the student will be given the opportunity to confer with the Vice Provost for Education or his/her designee to provide additional information for consideration.

In consultation with the School Dean and the Office of the Vice Provost for University Life, the Vice Provost for Education will review the available information and make a decision that may include the following:

- that the student remain enrolled with no conditions;
- that the student remain enrolled subject to conditions (including a description of those conditions); or
- that the student be placed on an involuntary leave of absence.

If the University's decision is to allow the student to remain enrolled subject to conditions, then the student's failure to comply with the conditions may, after appropriate consideration, result in the imposition of an involuntary leave.

If the University's decision is to require an involuntary leave of absence, the decision will also indicate the length of the leave and, in consultation with the student's school, describe the conditions (if any) under which the student may seek to return from leave.

The student shall be informed in writing by the Vice Provost for Education of the leave decision and the basis for the decision, the effective date of the leave, and conditions for return (if applicable). If a student is permitted to remain enrolled subject to conditions, the student shall be informed in writing of the effective date and the duration of the modified attendance.

## IV. Appeal

A student subject to this policy may appeal any decision of the Vice Provost for Education to the Provost. A student who wishes to appeal must submit a written letter of appeal to the Provost within three (3) days of receipt of the Vice Provost for Education's decision. The letter of appeal must state why the student believes that the Vice Provost's decision was unwarranted under the circumstances. After reviewing the appeal letter the Provost may meet with the student, as the Provost determines appropriate. In addition, the Provost may review relevant documents and confer with University officials before reaching a decision on the appeal. The Provost will render a decision upholding, rejecting, or modifying the determination of the Vice Provost for Education.

In addition to the appeal process described above, a student subject to this policy may also seek a resolution of concerns through the grievance procedures described in the Penn Book.

## V. Temporary Removal

If the Vice Provost for Education has reason to believe, based on the information available, and in consultation with professionals with appropriate expertise, that the student's continued presence on campus poses an imminent threat of significant harm to him or herself or to others in the community, the Vice Provost for Education may take immediate action to remove the student from campus pending receipt and review of relevant information and a determination. At the Vice Provost for Education's discretion, this temporary removal may remain in place pending completion of any appeal process.

## VI. Process for Return from Leave

A student seeking a return from leave must apply in writing to the Office of the Vice Provost for University Life. Such a request must be submitted no less than 30 days before the beginning of the semester in which the student seeks to reenroll. The student must demonstrate that he/she has met any conditions for return specified by the University.

The University may require any documentation or evaluation it deems appropriate. (Reports from health professionals should be directed to the director of CAPS or Student Health Services.) In addition, the University may require a release from the student to enable CAPS or SHS to discuss the student's condition with his/her treating health professional.

In consultation with the School Dean and the Office of the Vice Provost for University Life, the Vice Provost for Education will review the request and other relevant information, including the student's compliance with specified conditions for return from leave and the assessments of CAPS or Student Health Services and other health professionals, and make a determination of whether it is appropriate for the student to return.

If the Vice Provost for Education denies the request to return from leave, the student may challenge that decision by submitting a written appeal to the Provost within 5 days of receipt of the Vice Provost's decision.

## **VII. Confidentiality**

All records concerning involuntary leaves of absence will be kept in accordance with the University confidentiality policy and other applicable policies. The student's transcript will indicate only the notation of "leave of absence."

*Note:* A student on leave may not participate or hold a leadership position in a registered University organization.

## **VIII. Administration of the Process**

Administrative duties with respect to convening this leave process and maintaining its records will be the responsibility of the Office of the Vice Provost for University Life.

(Source: Almanac, March 16, 2010, Volume 56, No. 25 (<http://www.upenn.edu/almanac/volumes/v56/n25/absence.html>))

# MISSING STUDENTS NOTIFICATION POLICY

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Any member of the University community, including parents, who believes that a Penn student is missing should notify the University of Pennsylvania Police Department (UPPD) in the Division of Public Safety. To report a missing person, dial 5-1-1 from a campus telephone, use one of the blue light emergency telephones on campus and in the surrounding neighborhood, or dial (215) 573-3333 from an off-campus or cell phone.

In addition, the person should notify the Office of the Vice Provost for University Life (VPUL). VPUL and the Division of Public Safety are responsible for coordinating efforts in response to a report of a missing student. Any other University office that receives a report of a missing student is responsible for promptly notifying UPPD and VPUL of such report.

When a Penn student is reported to be missing, the University will take steps to try to locate the student or to determine why the student has not been seen. If UPPD determines that a police investigation is warranted, the University will support the investigation by providing information relevant to the search for the student, including photos, schedules, etc.

All students are strongly encouraged to provide the University with a confidential contact whom the University will notify in the event that the student is determined to be missing. This contact information, which will be maintained in the University's Management Information Services (UMIS) database and Advisor-in-Touch, will be accessible only to authorized campus officials and law enforcement authorities and will be used only in connection with responding to a report that the student is missing.

To register a contact person, a student should go to the Penn Portal home page, and under "Action items for all students" click on the link "Emergency Contact." This will direct the student to the "Penn-in-Touch Emergency Contact" page (using Penn Key and password) where the student should select the tab for "Emergency or Missing Person Contact(s)" and provide the information requested.

If a student has been missing for more than twenty-four (24) hours, the Division of Public Safety or the University, through VPUL, will notify the student's designated missing persons contact. UPPD will also notify the Philadelphia Police or other appropriate local police. If the missing student is under 18 years old and is not emancipated, the Division of Public Safety will notify the student's custodial parent or guardian and/or any other designated contact within 24 hours of the determination that the student is missing. In addition, UPPD will enter the missing student into the National Crime Information Center database. For students over 18 years of age who have not designated a missing person contact, UPPD may notify the law enforcement agency where the student's primary residence is located.

With respect to any student determined to be missing, the Division of Public Safety and/or VPUL may notify others at the University as appropriate—including, but not limited to, RAs, Deans, the Office of Student Affairs/Fraternity Sorority Life (in the case of a student residing in a fraternity or sorority) and the Office of International Programs (in the case of an international student). In addition, VPUL may contact parents and others if the student is not located within a reasonable period.

# PARKING REGULATIONS

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## General Information

These regulations are intended to facilitate the work of the faculty, staff, students, and visitors through control of the parking and movement of motor vehicles of these individuals while on campus. The fact that a person parks in violation of any regulations and is not towed does not mean that the regulation is no longer in effect.

The University is not responsible for loss or damage to your car or personal property within it while it is parked on University facilities. To avoid losses and the inconvenience they cause, park your car carefully so that it will not be struck by others, lock your car and avoid leaving personal items inside. Individuals are particularly encouraged not to leave citizen band radios and tape players visible. These should be disconnected and locked in the trunk of the car. Any car not displaying a parking sticker will be towed away at owner's expense.

The Department of Transportation and Parking also coordinates a van pool program and car pool matching service. Information about these functions may be obtained by calling 898-8667.

## Towing Policy

Motor vehicles in University facilities (including parking garages and lots) without the appropriate parking permit sticker are towed by a private contractor. The towing fee and designated location to recover towed cars are posted at all University parking facilities. The contractor is bonded and is responsible for any damage that may occur to a car in the process. The contractor's personnel will release, to its owner, a car that has been towed upon payment of towing fee plus storage charge. If an owner finds his car about to be towed away, he may pay the tow truck operator a drop fee (and have his car released immediately) to reimburse the operators for the time that has been expended in coming to get the violating vehicle. The contractor requires payment in cash before releasing a towed car or about to be towed car. If in doubt as to the location where towed vehicles may be claimed, please call Public Safety at 898-7297 or 7298.

## Private Streets

Several streets within the University campus have been designated as private streets under the control of the Department of Public Safety. These include all roads bordered by Walnut, 33rd and 40th Streets except 38th and 34th Streets. Parking is specifically forbidden on all private thoroughfares. Illegally parked vehicles on the streets will be ticketed and/or towed by a private contractor.

## Permits

Faculty, staff, and students must apply for a parking permit for all motor vehicles (including two- and three-wheeled vehicles) if they park or expect to park on the University grounds. Fees will be charged and decals issued which will allow vehicles to be parked in specific parking areas assigned to them. For information call the Parking Office (898-8667).

Registration is considered completed when decals are affixed to vehicles being registered. Decals are not transferable. Replacement decals may be obtained at the Parking Office, Suite 447A, 3401 Walnut Street.

## Towing Appeals

A towed vehicle is only released after the fee has been paid to the towing contractor. When a student or employee feels that her or his vehicle has been unjustly towed, she or he may appeal to the Parking Violations Board for a refund. The appeal should be in writing, state the relevant facts, and be addressed to

Attn: Associate Director for Housing Operations  
 Parking Violations Board  
 Housing and Conference Services  
 3702 Spruce St.  
 Stouffer Commons  
 Philadelphia, PA 19104

A fee refund is made when the Board decides in the complainant's favor.

# PATENT AND TANGIBLE RESEARCH PROPERTY POLICIES AND PROCEDURES

(Source: Resolution of the Trustees, January, 1966; revised, June 18, 1993 and Offices of the President and Provost, Almanac, March 15, 1994; revised, Resolution of the Trustees, February 11, 2005 and Offices of the Provost and the Faculty Senate, Almanac, February 22, 2005; revised, Office of the Provost, Almanac, February 7, 2006; revised, Resolution of the Trustees, June 18, 2010 and Office of the Provost, Almanac, July 13, 2010; revised, Office of the Provost, Almanac, April 21, 2015 (<https://almanac.upenn.edu/archive/volumes/v61/n31/pdf/042115-supplement.pdf>); revised, Office of the Provost, Almanac, February 4, 2020 ([https://almanac.upenn.edu/uploads/media/Patent\\_Policy\\_Supplement.pdf](https://almanac.upenn.edu/uploads/media/Patent_Policy_Supplement.pdf)); revised, Office of the Provost, Almanac, August 10, 2021 (<https://almanac.upenn.edu/uploads/media/081021-supplement.pdf>); revised, Office of the Provost, December 16, 2022; revised, Office of the Provost, Almanac, October 10, 2023 (<https://almanac.upenn.edu/volume-70-number-9/#patent-and-tangible-research-property-policies-and-procedures-of-the-university-of-pennsylvania-v70-n9>))

The University periodically revises and updates its policies and procedures regarding patents and tangible research property, to ensure that these policies and procedures continue to meet the needs of the Penn community. The updated policy, effective **October 1, 2023**, contains an adjustment to the distribution of commercialization revenue as described in section 4.0.14: **INITIAL DEDUCTION**. This adjustment expands the range of the **INITIAL DEDUCTION** of **GROSS PCI REVENUES** from 5%-25% to 0%-25% and allows changes to be implemented at any time of the fiscal year. A reduction of the **INITIAL DEDUCTION** results in increased revenue distributions to the inventors, schools, and university. The Executive Committee of the Penn Center for Innovation approved the adjustment, and the Council of Deans and the Faculty Senate Executive Committee were notified.

—John L. Jackson, Jr., Provost

—Dawn Bonnell, Senior Vice Provost for Research

(Note: Words appearing in capital letters are defined in Article 4, unless they are defined in the document itself.)

## Article 1. Preamble

**1.0** The Trustees of the University of Pennsylvania (the University) affirm the following principles as the basis for governing the intellectual property created by faculty, employees, students, and guest scholars of the University:

**1.1** The mission of the University includes the stimulation of basic and applied research activities of faculty, employees, and students of the University and the dissemination of the results of their research for the purpose of adding to the body of knowledge and serving the public interest.

**1.2** The purpose of this policy is to encourage and enable faculty, employees and students to translate new knowledge into social good and provide a framework within which the University can support and facilitate these actions.

**1.3** The University endeavors, where it deems appropriate, to secure intellectual property protection for the products of such research

and to encourage commercial investment in and development of University intellectual property for the benefit of the public.

**1.4** The community has endowed the University with certain privileges, resources, and assets in the expectation that no single party will derive sole benefit or be unjustly enriched from what the community has endowed to the University.

**1.5** The University as a non-profit organization endeavors to marshal its resources and exploit its assets to serve the public interest and in so doing reinvests in the research enterprises of its faculty, employees, and students. Members of the University community share in the University's responsibility to serve the public interest and have a duty to disclose and assign their inventions.

**1.6** The University is regularly the recipient of grants from the government, foundations or commercial enterprises for the support of research and is subject to legal and contractual obligations imposed by these entities.

**1.7** The University wishes to share the economic benefits of inventions or other intellectual property with the creators of such works in a way that is consistent with the research and educational mission of the University and conforms to the University's obligations to regulatory authorities, research sponsors, and licensees.

**1.8** In protecting and managing its intellectual property assets, the University insists that the academic freedom of its faculty and students be preserved and that collegiality and the open expression of ideas by and among members of the University community be encouraged.

## Article 2. Policy and Procedures on Inventions and Patents

**2.0 Policy Statement on Inventions and Patents.** It is the policy of the University that all **INVENTIONS**, together with associated **MATERIALS**, which are conceived or reduced to practice by **INVENTORS** in the course of employment at the University, or result from work directly related to professional or employment responsibilities at the University, or from work carried out on University time, or at University expense or with **SUBSTANTIAL USE OF UNIVERSITY RESOURCES** under grants or otherwise, are the property of the University, effective immediately as of the time such **INVENTIONS** are conceived or reduced to practice. **INVENTORS** hereby irrevocably assign to the University all right, title and interest in and to the **INVENTIONS**, **MATERIALS** and related patent applications and patents, and shall cooperate fully with the University in the preparation and prosecution of patent applications and patents. Patents, as they may be available on such **INVENTIONS**, may be applied for in any country by the University. The University will exercise its ownership and management of such **INVENTIONS**, with or without economic benefit, with due regard for the principles set forth in the Preamble (Article 1) of this **PATENT POLICY**. Procedures for implementation of this **PATENT POLICY**, including a **PARTICIPATION AGREEMENT**, shall be developed and promulgated by the President of the University.

**2.1 Procedures for the Administration and Management of Inventions and Patents.** The following procedures have been approved by the President as of the **EFFECTIVE DATE**:

**2.1.1 Participation Agreement.** All faculty, emeritus faculty, visiting faculty or other visitors using research facilities (including but not limited to individuals on sabbatical from another university or research

facility), researchers, adjunct faculty, postdoctoral employees and trainees, graduate students and undergraduate students participating in research as employees or otherwise, and all salaried employees, shall execute a PARTICIPATION AGREEMENT (Appendix A) as a condition of employment, matriculation, participation in research or use of University resources. Notwithstanding the above, an individual acknowledges that they are bound by this PATENT POLICY by accepting or continuing University employment or by using University resources or facilities, and acknowledges that they hereby irrevocably assigns all right, title and interest in and to INVENTIONS, together with associated MATERIALS, and patent applications and patents which may issue, effective as of their first date of employment, matriculation, participation in research or use of any University resources, whichever occurs first, regardless of whether they execute or have executed a PARTICIPATION AGREEMENT. All students shall be advised of the University's intellectual property policies and procedures through publication and dissemination in the Penn Book (<https://catalog.upenn.edu/pennbook/>) and elsewhere.

**2.1.2 Disclosure and Review.** INVENTORS shall file INVENTION DISCLOSURES for all INVENTIONS covered by the PATENT POLICY promptly with the PENN CENTER FOR INNOVATION (PCI) at the University. PCI shall direct the review and management of the INVENTIONS under procedures and practices monitored by the EXECUTIVE COMMITTEE. PCI will undertake the review of the INVENTION DISCLOSURE within thirty (30) business days after the submission is completed, or, if requested by one or more INVENTORS, PCI will use reasonable efforts to undertake the review sooner if necessary to facilitate an upcoming publication, presentation or other public disclosure which could adversely affect whether to pursue patent protection. PCI will convey its determination of whether the University wishes to retain title to and pursue a patent application on an INVENTION as soon as practicable, in writing, after completing its review of a completed INVENTION DISCLOSURE submission and use reasonable efforts to convey such decision to all INVENTORS within three (3) months after receiving a complete INVENTION DISCLOSURE submission. If the University wishes to retain title to an INVENTION, upon the request of the INTELLECTUAL PROPERTY ADMINISTRATOR (IPA), an INVENTOR shall sign all documents necessary for the University to protect an INVENTION, file patent application(s), comply with applicable law in connection with such INVENTION and confirm in writing the INVENTOR'S prior assignment to the University of all right, title and interest in and to such INVENTION.

**2.1.3 Inventions Outside the PATENT POLICY.** If a faculty member, emeritus faculty, visiting faculty, other visitor using research facilities, researcher, adjunct faculty, postdoctoral employee or trainee, graduate student, undergraduate student, or salaried employee (an INDIVIDUAL) believes that a given INVENTION was made outside the scope of the PATENT POLICY, the INDIVIDUAL shall provide the IPA with a written statement of the circumstances leading to the making of the INVENTION. If, after reviewing the facts, the IPA determines that the INVENTION falls outside the scope of the PATENT POLICY, the IPA shall confirm in writing within thirty (30) days after receiving such written statement that the University has no right, title and interest to the INVENTION. If the facts are equivocal, or if the IPA believes that such INVENTION falls under the PATENT POLICY, the matter of ownership will be referred by the IPA or the INDIVIDUAL to the APPEALS BOARD, and the APPEALS BOARD shall make a recommendation to the President concerning ownership. Nothing in this PATENT POLICY is intended to imply or assume that an emeritus faculty member is making or has made a SUBSTANTIAL USE OF UNIVERSITY RESOURCES or imply or assume that an emeritus faculty member's invention falls under or outside the scope of this PATENT POLICY.

If an INDIVIDUAL makes an INVENTION which is outside the scope of the PATENT POLICY, and the IPA (or, if appealed, the President) agrees that such INVENTION is outside the scope of the PATENT POLICY, such INDIVIDUAL may request in writing to use the services of PCI in connection with the assessment, protection and/or commercialization of such INVENTION. PCI, in its sole discretion, may decline or may elect to use its personnel and services with respect to such INVENTION, on the condition that: (1) the INDIVIDUAL makes ASSIGNMENT to the University in a writing deemed sufficient by PCI; and (2) the INDIVIDUAL shall be deemed to be an INVENTOR and such invention shall be deemed to be an INVENTION within the scope of this PATENT POLICY, for all purposes (including but not limited to distributions), effective as of the date of ASSIGNMENT. The use of PCI shall be deemed to be a SUBSTANTIAL USE OF UNIVERSITY RESOURCES. PCI's decision to decline shall not be reviewable by the APPEALS BOARD

#### **2.1.4 Student Inventions.**

**2.1.4.1** INVENTIONS made by students will remain the property of the students except:

**[a]** when an INVENTION is made in the course of employment at the University, or

**[b]** when an INVENTION results from work directly related to employment responsibilities at the University, or

**[c]** when an INVENTION results from work or research performed under a grant or other sponsorship where the grant or sponsorship requires ASSIGNMENT to the University, or

**[d]** when an INVENTION is created with another INVENTOR who has a duty to make or has made ASSIGNMENT to the University.

In such instances, students are hereby deemed to have irrevocably transferred and assigned all of their right, title and interest in and to such INVENTION, effective as of the first date conceived or reduced to practice, regardless of whether or when such student executes a PARTICIPATION AGREEMENT or other written agreement confirming assignment, and such undergraduate student shall be deemed an INVENTOR for purposes of sharing in distributions and otherwise pursuant to this PATENT POLICY.

**2.1.4.2** INVENTIONS created by or resulting from research carried out in University laboratories as part of a post-baccalaureate or postdoctoral degree or non-degree program shall be subject to this PATENT POLICY. In such instances, the individual shall be deemed to have hereby irrevocably made ASSIGNMENT to the University effective as of the first date of matriculation and will be deemed an INVENTOR for purposes of distributions and otherwise pursuant to this PATENT POLICY, regardless of whether or when such individual executes or executed a PARTICIPATION AGREEMENT or other written agreement confirming assignment.

#### **2.1.5 Return of Inventions.**

**2.1.5.1 Inventions Made without Outside Sponsorship.** If an INVENTION is made without sponsorship of the federal government or other sponsor, and the University does not wish to pursue a patent application in the United States or other jurisdiction, or elects to abandon a pending patent application, or does not wish to own an issued patent on a given INVENTION, the IPA may, after consultation with and subject to the approval of the Vice Provost for Research, return all of the University's right, title and interest to the INVENTION, patent application or issued

patent to the INVENTORS, subject to and upon the terms and conditions set forth in Section 2.1.5.3.

**2.1.5.2 Inventions Made with Outside Sponsorship.** If an INVENTION is made with sponsorship of the federal government or other sponsor, and the University does not wish to pursue a patent application in the United States or other jurisdiction, or elects to abandon a pending patent application, or does not wish to own an issued patent on a given INVENTION, and the United States Government or other sponsor waives ownership rights, if any, the IPA may, after consultation with and subject to the approval of the Vice Provost for Research, return all of the University's right, title and interest to the INVENTION, patent application or issued patent to the INVENTORS, subject to any other rights retained by the United States Government or other sponsors and subject to and upon the terms and conditions set forth in Section 2.1.5.3. If the INVENTION was made with sponsorship of the federal government, the INVENTORS are responsible for obtaining written approvals from the appropriate federal government representatives allowing the University to transfer the University's right, title and interest to the INVENTION to the INVENTORS and providing such written approvals to PCI prior to any return to the INVENTORS. If the INVENTION was made with sponsorship of the federal government, to the extent applicable under then-current law, the INVENTOR shall use reasonable efforts to arrange for development and commercialization opportunities for the INVENTION, and otherwise comply with all laws regarding the INVENTION and any additional requirements imposed by the federal government when approving the transfer to the INVENTORS.

**2.1.5.3 Conditions Regarding Return of Inventions.** Prior to the University transferring its right, title and interest to an INVENTION and any related patent(s) and/or patent application(s), each INVENTOR and PCI shall enter into a written agreement including at least the following terms:

**2.1.5.3.1** If the University elects to return an INVENTION made by more than one INVENTOR, the University will return an undivided interest in the whole, as defined by prevailing United States patent law, to each INVENTOR, unless directed otherwise in writing by all INVENTORS.

**2.1.5.3.2** In every case in which an INVENTION is returned to an INVENTOR, the University hereby reserves a royalty free, non-exclusive, irrevocable right to practice the INVENTION for research, educational and clinical care purposes, and to permit other academic institutions and not-for-profit research institutions to do the same. The University may seek reimbursement for any INVENTION ASSESSMENT COSTS incurred before the return from the INVENTOR. After the effective date of the return of the INVENTION, the University shall not be responsible for paying any ongoing INVENTION ASSESSMENT COSTS or other costs or expenses in connection with the returned INVENTION and any patents or patent applications for the returned INVENTION.

**2.1.5.3.3** The INVENTOR or INVENTORS jointly and severally, shall pay the University five percent (5%) of all GROSS COMPENSATION and report non-confidential information at least annually to PCI regarding efforts to commercialize the returned INVENTION and GROSS COMPENSATION received.

**2.1.5.3.4** Each INVENTOR shall represent and warrant that the INVENTOR has disclosed to PCI, as part of the INVENTION DISCLOSURE or otherwise: the best mode contemplated by the INVENTOR for carrying out the INVENTION; all facts and circumstances relevant to assessing the INVENTION DISCLOSURE and INVENTION; and has answered each question or inquiry from PCI about the INVENTION DISCLOSURE and

INVENTION truthfully, to the best of the INVENTOR's knowledge and belief.

**2.1.5.3.5** INVENTORS have the obligation to disclose to the IPA, and make ASSIGNMENT of, improvements on returned INVENTIONS at the time such improvements are conceived or reduced to practice, if such improvements are conceived or reduced to practice under circumstances subject to the PATENT POLICY.

**2.1.5.3.6** Each INVENTOR shall acknowledge that the transfer of the University's interest in the INVENTION may raise issues under applicable University policies, including without limitation its conflict-of-interest policies and restrictions on use of University facilities and assets for private purposes and that the return of an INVENTION does not constitute a waiver of any term in any University policy or its applicability to the INVENTOR. The INVENTOR will agree not to use University resources, personnel, time, facilities or assets to further develop, protect or commercialize the returned INVENTION, unless permitted after review by the University's Conflict of Interest Standing Committee and approved by the Vice Provost for Research.

**2.1.5.3.7** Each INVENTOR will and will cause any licensees or third persons participating in the development and commercialization of the INVENTION, to indemnify the University from any claims arising out of or resulting from or in connection with the INVENTION and its development and commercialization. The University will transfer its right, title and interest as is, without warranties.

## 2.2 Conveyance of Rights to Inventions.

**2.2.1 Licensing.** The University may convey rights to its INVENTIONS through license agreements under the terms of which the University retains all right, title and interest in and to its INVENTIONS, while granting to a commercial entity the right to make, use and/or sell products based on the INVENTION(S).

**2.2.1.1** INVENTORS or other University faculty or employees involved in the licensing of an INVENTION to a prospective licensee shall disclose any fiduciary or financial interest in or contractual relationship with the prospective licensee to their Deans and Chairs, or their relevant administrative supervisor, in accordance with the applicable University policy on conflicts of interest. In addition, INVENTORS or other University faculty or employees involved in the licensing of an INVENTION to a prospective licensee shall disclose any fiduciary or financial interest in that prospective licensee to the IPA, who shall refer consideration of the matter to the EXECUTIVE COMMITTEE.

**2.2.1.2** PCI will use reasonable efforts to notify INVENTORS of prospective licensees in an early stage of the negotiation process. The final decision on whether to license an INVENTION, to whom to license an INVENTION, the terms in the agreements and otherwise how to proceed with the license rests with PCI and is not appealable to the APPEALS BOARD or otherwise.

**2.2.2 Exceptions to Licensing.** Exceptions to the requirement that rights be conveyed through a license agreement shall be considered only in extreme or unusual circumstances and shall require approval by the President of the University.

**2.3 Distributions.** (For a hypothetical illustration of the distributions set forth in Sections 2.3.1 and 2.3.2, see Appendix C. Definitions for ADJUSTED PCI REVENUES FOR AN INVENTION, NET PCI INCOME FOR AN INVENTION and other key definitions are in Article 4).

**2.3.1 Distribution of Adjusted PCI Revenues.** Unless otherwise required by law or contract, ADJUSTED PCI REVENUES for the INVENTION (defined in Section 4.0.1, but generally described as the PRO RATA SHARE of GROSS PCI REVENUES [defined in Section 4.0.13] minus the INITIAL DEDUCTION [defined in Section 4.0.14]), shall be distributed as follows:

**2.3.1.1** The INVENTORS PERSONAL SHARE shall be thirty percent (30%) of the ADJUSTED PCI REVENUES for the INVENTION (see Sec. 2.3.4).

**2.3.1.2** The INVENTORS RESEARCH ACTIVITY SHARE shall be twelve and one-half percent (12.5%) of the ADJUSTED PCI REVENUES for the INVENTION (see Sec. 2.3.5).

**2.3.2 Distribution of Net PCI Income.** NET PCI INCOME for the INVENTION (defined in Section 4.0.23, but generally described as the amount remaining after distributions in Section 2.3.1, minus the PRO RATA SHARE of AGGREGATE PCI OPERATING COSTS [defined in Section 4.0.3]) shall be distributed as follows:

**2.3.2.1** The SCHOOLS OF INVENTORS SHARE shall be sixty percent (60%) of the NET PCI INCOME for the INVENTION (see Sec. 2.3.6).

**2.3.2.2** The UNIVERSITY RESEARCH SHARE shall be forty percent (40%) of the NET PCI INCOME for the INVENTION (see Sec. 2.3.7).

**2.3.3 Allocation of the EQUITY POOL.** (Procedures governing licensing transactions for EQUITY are set forth in Appendix B.) Under license agreements for which the University has negotiated an EQUITY POOL, where, in accordance with Appendix B.4, EQUITY will be issued directly to the INVENTOR(S), the INVENTORS shall receive thirty percent (30%) of the EQUITY POOL, unless one or more INVENTORS receive EQUITY from the licensee outside of the EQUITY POOL. An INVENTOR who receives EQUITY from the licensee outside of the EQUITY POOL shall not receive EQUITY from the EQUITY POOL except with approval of the University. The IPA shall make a recommendation in this regard to the Vice Provost for Research, who shall make a determination in consultation with the relevant Deans. Furthermore, if one or more INVENTORS receive EQUITY outside of the EQUITY POOL, the portion of the EQUITY POOL to be received by the other INVENTORS shall be reduced in proportion to the contribution to the licensed INVENTIONS, as determined by PCI, made by the INVENTORS who receive EQUITY outside of the EQUITY POOL.

**2.3.3.1** INVENTORS receiving EQUITY from the EQUITY POOL or outside the EQUITY POOL may also receive INVENTORS PERSONAL SHARE of ADJUSTED PCI REVENUES FOR THE INVENTION. An exception to this may arise in certain circumstances, such as when INVENTORS receive founders EQUITY, EQUITY for consulting services or other consideration from the licensee. In such cases, the University may determine that such INVENTORS shall not receive some or any of the INVENTORS PERSONAL SHARE of ADJUSTED PCI REVENUES for the INVENTION. The IPA shall make a recommendation in this regard to the Vice Provost for Research, who shall make a determination in consultation with the relevant Dean(s).

**2.3.3.2 Non-cash Component of License.** Any tangible, noncash considerations (except EQUITY) in licenses will be distributed by PCI on a case-by-case basis, in consultation with the INVENTOR(S), Vice Provost for Research and the relevant Dean(s).

**2.3.4 Rules Governing the INVENTORS PERSONAL SHARE**

The INVENTORS PERSONAL SHARE of ADJUSTED PCI REVENUES for the INVENTION, under Section 2.3.1.1, shall be distributed among all INVENTORS (if more than one), as the

INVENTORS unanimously designate in writing to the IPA. If the INVENTORS fail to make such unanimous written designation before the license agreement is executed, the INVENTORS PERSONAL SHARE of ADJUSTED PCI REVENUES shall be distributed among all INVENTORS as PCI, in its sole discretion, shall designate, and shall not be appealable to the APPEALS BOARD. The INVENTORS share of the EQUITY POOL under Section 2.3.3 shall be distributed among all INVENTORS entitled to share in the EQUITY POOL (if more than one), as such INVENTORS unanimously designate in writing to the IPA. If the INVENTORS entitled to share in the EQUITY POOL fail to make such unanimous written designation before the license agreement is executed, the INVENTORS share of the EQUITY POOL shall be distributed among INVENTORS entitled to share in the EQUITY POOL as PCI, in its sole discretion, shall designate, and shall not be appealable to the APPEALS BOARD .

**2.3.4.1** If an INVENTOR ceases employment at and association with the University, the INVENTORS designated portion of the INVENTORS PERSONAL SHARE of ADJUSTED PCI REVENUES under Section 2.3.1.1 and of the INVENTORS share of the EQUITY POOL under Section 2.3.3 shall remain payable to such INVENTOR. If an INVENTOR dies, the INVENTORS designated portion of the INVENTORS PERSONAL SHARE shall remain payable to the INVENTOR's estate.

**2.3.5 Rules Governing the Inventors Research Activity Share.** The INVENTORS RESEARCH ACTIVITY SHARE, when the INVENTORS are faculty, shall be used only for research purposes approved by the department chair(s) of the relevant department(s).

**2.3.5.1** The INVENTORS RESEARCH ACTIVITY SHARE shall be divided among the INVENTORS (if more than one) in the same proportion as the INVENTORS PERSONAL SHARE is divided among the INVENTORS (the "DESIGNATED PROPORTION"), unless the INVENTORS unanimously request in writing, and the dean(s) of the relevant school(s) and Vice Provost for Research approve, some other distribution.

**2.3.5.2** If a sole faculty INVENTOR is no longer employed by or associated with the University, the INVENTORS RESEARCH ACTIVITY SHARE shall be distributed to the INVENTOR'S school at the University to support research in the school. If there is more than one faculty INVENTOR, and one of those INVENTORS is no longer employed by or associated with the University, that share shall be distributed evenly to support the research activity of the INVENTORS who remain. If no faculty INVENTORS remain employed by or associated with the University, the INVENTORS RESEARCH ACTIVITY SHARE will be distributed to the INVENTORS school(s) to support research in the school(s).

**2.3.5.3** When an INVENTOR is an undergraduate student, the INVENTORS RESEARCH ACTIVITY SHARE shall be distributed to the University's Center for Undergraduate Research and Fellowships (CURF) or its successor organization, or if no successor organization, to the Provost's Office to be used to further and support research by undergraduate students, through a budget approved by the Provost. When INVENTORS are graduate students or postdoctoral employees or trainees, the corresponding INVENTORS RESEARCH ACTIVITY SHARE shall be distributed to the laboratory to which they are primarily assigned or in which they primarily conducted the research leading to the INVENTION. If such INVENTORS do not have a primary laboratory affiliation, their corresponding INVENTORS RESEARCH ACTIVITY SHARE shall be distributed to their school. Amounts so distributed shall be used to further the education and research activity of the INVENTOR while at the University and/or for other research purposes through a budget

approved by the department chair(s) of the relevant department(s) or dean.

**2.3.5.4** When an INVENTOR is an emeritus faculty member at the time of the INVENTION, the INVENTORS RESEARCH ACTIVITY SHARE shall be distributed to the INVENTOR'S last school before assuming emeritus status, unless that emeritus faculty INVENTOR, and the emeritus faculty INVENTOR's dean, agree in writing upon a different distribution. Such different distribution may include, without limitation, payment of all or a portion of such INVENTORS RESEARCH ACTIVITY SHARE to the emeritus faculty as part of the INVENTORS PERSONAL SHARE. Any such proposed different distribution of an INVENTORS RESEARCH ACTIVITY SHARE for an emeritus faculty INVENTOR is subject to review and approval by the Vice Provost for Research. The emeritus faculty INVENTOR may appeal the inability to reach an agreement upon a different distribution, or any disapproval by the Vice Provost for Research, to the APPEALS BOARD. Amounts received by the school shall be used for research purposes only through a budget approved by the dean(s) of the relevant school(s)..

**2.3.6 Rules Governing the Schools of Inventors Share.** The SCHOOLS OF INVENTORS SHARE may be used for any research purpose designated by the dean(s) of the school(s). At the discretion of the dean(s), any portion of the SCHOOLS OF INVENTORS SHARE may be distributed to department(s), research centers, and/or research institutes to support research. The dean(s) will develop a process within each school, that is reasonably calculated to incentivize units, such as departments, to support research at various stages of development.

**2.3.6.1** If an INVENTION is made by INVENTORS from different schools, the SCHOOLS OF INVENTORS SHARE shall be divided among the schools in the DESIGNATED PROPORTION. A school will retain its portion of SCHOOLS OF INVENTORS SHARE if an INVENTOR from that school is no longer employed by or associated with the School or the University.

**2.3.7 Rules Governing the University Research Share.** The UNIVERSITY RESEARCH SHARE shall be used for the general support of research at the University as determined by the Provost. The Provost will release periodic reports describing the use of these funds.

**2.3.8 Periodic Reports of Use of Funds to Support Research.** The deans of each school that receive funds during the FISCAL YEAR as SCHOOLS OF INVENTORS SHARES should submit a report to the Vice Provost for Research at least once during the subsequent FISCAL YEAR describing the process to determine the distribution and use of these funds for research purposes and the support of research.

**2.3.9 Invention Revenue Distribution for Non-Academic Inventors.** When an INVENTOR is other than a faculty member, emeritus faculty, employee of an academic laboratory, student or postdoctoral employee or trainee, the distribution of ADJUSTED PCI REVENUES FOR THE INVENTION (other than the INVENTORS PERSONAL SHARE) and NET PCI INCOME for the INVENTION shall be determined by the Vice Provost for Research on a case-by-case basis with a recommendation from the IPA.

**2.3.10 INVENTORS with Joint Appointments.** If an INVENTOR has joint appointments in two or more schools and there is no primary appointment (for example only, a Penn Integrates Knowledge professor), the deans shall determine an equitable apportionment of that INVENTOR's portion of the INVENTORS RESEARCH ACTIVITY SHARE, and SCHOOLS OF INVENTORS SHARE, unless the Deans of such schools had previously agreed on an allocation for such INVENTOR.

**2.4 Implementation of Procedures for Distributions.**

#### **2.4.1 Inventions Disclosed and Licensed After the Effective**

**Date.** Distributions from all INVENTIONS disclosed and licensed on or after the EFFECTIVE DATE shall be governed by the procedures in Section 2.3.

#### **2.4.2 Inventions Disclosed Before the Effective Date but Licensed After the Effective Date.**

Distribution of income from all INVENTIONS disclosed before the EFFECTIVE DATE, but not yet subject to a license agreement as of the EFFECTIVE DATE, shall be governed by the procedures in Section 2.3.

#### **2.4.3 Inventions Disclosed and Licensed Before the Effective Date.**

All distributions during and after the FISCAL YEAR that the revised PATENT POLICY becomes effective, including distributions for an INVENTION whose disclosure or licensing was completed prior to the EFFECTIVE DATE of the revised PATENT POLICY, will be made according to the revised PATENT POLICY and shall thus be governed by the procedures in Section 2.3.

**2.5 Administration of Distributions and Reporting.** Distributions, with a report outlining how the amounts were calculated, shall be made to each recipient within sixty (60) days after the end of the FISCAL YEAR. PCI will use reasonable efforts to distribute the INVENTORS PERSONAL SHARE more frequently than once each year. The University will not pay interest on amounts received and held by the University pending distribution.

**2.6 Use of Outside Facilities.** Faculty members, employees or students who use research facilities at another institution or a corporation (including, without limitation, when on sabbatical from the University or as visiting faculty or visiting researchers) shall contact the IPA prior to commencing such use, for assistance in evaluating the policies of the host institution or corporation as appropriate. Graduate students who are conducting research in commercial research facilities should obtain a written assurance of their right to publish the results of their research. Faculty members, employees or students who engage in outside employment or consulting agreements are referred to the Consulting and Outside Activities Policies and Procedures of the University of Pennsylvania (CONSULTING POLICY).

## **Article 3. Policy and Procedures Relating to Tangible Research Property**

**3.0 Policy Statement on Tangible Research Property.** TANGIBLE RESEARCH PROPERTY made by INVESTIGATORS in the course of employment at the University, or work or research directly related to professional, educational or employment responsibilities, or work or research carried out on University time, or at University expense or with SUBSTANTIAL USE OF UNIVERSITY RESOURCES under grants or otherwise, is the property of the University. INVESTIGATORS hereby irrevocably assign to the University all right, title and interest in and to the TANGIBLE RESEARCH PROPERTY and shall cooperate fully with the University in the preparation and prosecution of patents or other intellectual property protection, if available and applicable. The University and INVESTIGATORS will endeavor to make such property available to the research community on a reasonable basis, consistent with other University policies, procedures and legal obligations and pursuant to a written agreement in a form approved by the Office of General Counsel, including but not limited to a materials transfer agreement, license agreement, deposit to a research or data bank repository or other form of agreement.

**3.1 Disclosure to PCI.** INVESTIGATORS shall disclose new TANGIBLE RESEARCH PROPERTY promptly to PCI.

**3.2 Revenues from Transfer of Tangible Research Property.** Unless otherwise required by law or contract, for TANGIBLE RESEARCH PROPERTY which is defined as an INVENTION, distributions will be calculated in accordance with Section 2.3. For TANGIBLE RESEARCH PROPERTY which is not defined as an INVENTION, distributions will be calculated as follows, unless otherwise required by law or contract: PCI shall determine the GROSS PCI REVENUES for the TANGIBLE RESEARCH PROPERTY. Then, PCI shall determine, in conjunction with the INVESTIGATORS and the appropriate University staff, the applicable TANGIBLE RESEARCH PROPERTY DIRECT GENERATION COSTS. The TANGIBLE RESEARCH PROPERTY DIRECT GENERATION COSTS shall be reimbursed to the University account(s) of the INVESTIGATOR(S) and/ or such other school, department or other accounts from which portions of the TANGIBLE RESEARCH PROPERTY DIRECT GENERATION COSTS were paid. The amount remaining, if any, after deducting the TANGIBLE RESEARCH PROPERTY DIRECT GENERATION COSTS from the GROSS PCI REVENUES for the TANGIBLE RESEARCH PROPERTY, and after deducting the applicable INITIAL DEDUCTION, shall be defined as the ADJUSTED PCI REVENUES for such TANGIBLE RESEARCH PROPERTY. The ADJUSTED PCI REVENUES for the TANGIBLE RESEARCH PROPERTY or NET PCI INCOME for the TANGIBLE RESEARCH PROPERTY (as the case may be) shall be distributed in accordance with Section 2.3 above (substituting the INVESTIGATOR(S) for the INVENTOR(S) and the TANGIBLE RESEARCH PROPERTY for the INVENTION, where application in applying this PATENT POLICY):

**3.2.1** Thirty percent (30%) of ADJUSTED PCI REVENUES for the TANGIBLE RESEARCH PROPERTY as the INVESTIGATORS PERSONAL SHARE (see Sec. 2.3.1.1).

**3.2.2** Twelve and one-half percent (12.5%) of ADJUSTED PCI REVENUES for the TANGIBLE RESEARCH PROPERTY as the INVESTIGATORS RESEARCH ACTIVITY SHARE (see Sec. 2.3.1.2).

**3.2.3** Sixty percent (60%) of NET PCI INCOME for the TANGIBLE RESEARCH PROPERTY as the SCHOOLS OF INVENTORS SHARE (see Sec. 2.3.2.1).

**3.2.4** Forty percent (40%) of NET PCI INCOME for the TANGIBLE RESEARCH PROPERTY as the UNIVERSITY RESEARCH SHARE (see Sec. 2.3.2.2).

**3.3. Program Income and Sponsored Awards.** INVESTIGATORS and PCI shall report any GROSS PCI REVENUES from TANGIBLE RESEARCH PROPERTY to the Office of Research Services for a determination whether such revenues must be reported to a funding agency or sponsor as program income. In those circumstances in which GROSS PCI REVENUES from the TANGIBLE RESEARCH PROPERTY may be considered program income under federal law, or grant, award or contract terms, or where the distribution formula set forth in Section 3.2. would be prohibited by law or applicable contract, the UNIVERSITY will equitably share any ADJUSTED PCI REVENUES for such TANGIBLE RESEARCH PROPERTY, if any, while remaining in compliance with its legal obligation.

## Article 4. Definitions and Miscellaneous

**4.0.1 TOTAL ADJUSTED PCI REVENUES** means GROSS PCI REVENUES minus the INITIAL DEDUCTION. **ADJUSTED PCI REVENUES FOR AN INVENTION** means the PRO RATA SHARE of the TOTAL ADJUSTED PCI REVENUES.

**4.0.2 ADJUSTED PROCEEDS FOR AN INVENTION** means ADJUSTED PCI REVENUES FOR AN INVENTION, minus the INVENTORS PERSONAL SHARE and minus the INVENTORS RESEARCH ACTIVITY SHARE.

**4.0.3 AGGREGATE PCI OPERATING COSTS** means all of PCI's internal or out-of-pocket expenses to operate PCI, as allocated to and determined by the University, during a FISCAL YEAR, including, without limitation: salaries, benefits and other personnel costs; expenses related to licensing and distribution, and attempts to license and/or distribute, INVENTIONS, TANGIBLE RESEARCH PROPERTY, copyrightable works, and trademarks; fees and expenses paid to third persons (excluding REIMBURSED IP EXPENSES); overhead expense; finder's fees or commissions; EQUITY or other consideration paid or due to patent management organizations; expenses in connection with the sale, investment or management of EQUITY or the EQUITY POOL; litigation or dispute resolution costs and expenses; and consideration paid or due third persons as a result of settlement of or judgment in a dispute; applicable taxes (if any) and other operating expenses the University allocates to PCI. AGGREGATE PCI OPERATING COSTS includes all UNREIMBURSED IP EXPENSES.

**4.0.4 APPEALS BOARD** is empowered to resolve disputes arising from the interpretation or administration of this PATENT POLICY, as described in Section 4.2. The APPEALS BOARD comprises nine (9) voting members (seven [7] standing members and two [2] ad hoc members). The seven standing members shall be comprised of: one (1) voting chair, appointed by the Faculty Senate and who shall be a Standing Faculty member; four (4) administrators (each appointed by the Vice Provost for Research); and two (2) term faculty appointed by the Faculty Senate. The two (2) ad hoc members shall be faculty selected for expertise by the dean(s) of the relevant school(s) or the chair(s) of the relevant departments(s), except that if one or more of the individuals involved in the appeal is an emeritus faculty, the two ad hoc voting members selected by the dean(s) or department chair(s) shall be emeritus faculty and if one or more of the individuals involved in the appeal is a graduate student, the two ad hoc voting members selected by the dean(s) or department Chair(s) shall be graduate students. In addition, the APPEALS BOARD shall include one nonvoting member ex officio, who shall be an attorney from the Office of General Counsel and appointed by the General Counsel. The APPEALS BOARD shall be staffed by the Office of the Vice Provost for Research.

**4.0.5 ASSIGNMENT** means the execution of a written agreement by an INVENTOR assigning all of the INVENTOR'S right, title and interest in and to an INVENTION or TANGIBLE RESEARCH PROPERTY. INVENTIONS are deemed automatically and irrevocably assigned, effective as of the time they are conceived or reduced to practice, regardless of whether or when such individual executes a PARTICIPATION AGREEMENT or other written agreement confirming assignment.

**4.0.6 PENN CENTER FOR INNOVATION (PCI)** means the administrative unit, under the direction of the INTELLECTUAL PROPERTY ADMINISTRATOR, which is responsible for the receipt, review, management and administration of intellectual property matters of the University.

**4.0.7 EFFECTIVE DATE** means the earlier of October 1, 2023, or the date this version of this PATENT POLICY was adopted by the Trustees of the University.

**4.0.8 EQUITY** means ownership interests or securities, including but not limited to shares of stock or securities; stock options; warrants or any other rights to purchase stock or securities; debt instruments;

partnership interests in a general or limited partnership; or membership interests in a limited liability company or partnership.

**4.0.9 EQUITY POOL** means the total allotment of EQUITY negotiated by the University as consideration for a license of the University's interests in an INVENTION or TANGIBLE RESEARCH PROPERTY.

**4.0.10 EXECUTIVE COMMITTEE** provides oversight and steering of the technology transfer process, including assisting in setting the operating budget for the PCI. The EXECUTIVE COMMITTEE is appointed by the Provost in consultation with the Vice Provost for Research and chaired by the Vice Provost for Research or a Dean designated by the Vice Provost for Research. The EXECUTIVE COMMITTEE is comprised of the INTELLECTUAL PROPERTY ADMINISTRATOR, ex officio; the Vice Provost for Research; the dean of the Perelman School of Medicine or the Dean's designee; one faculty from each of the School of Arts and Sciences and the School of Engineering and Applied Science; one at-large faculty; and an attorney from the Office of the General Counsel selected by the General Counsel, who shall be non-voting and ex officio.

**4.0.11 FISCAL YEAR** means the period from July 1 through June 30 (or, should the University adjust its fiscal year, the same period as the University's then-current fiscal year for federal tax purposes).

**4.0.12 GROSS COMPENSATION** means all cash or other compensation received or to which someone is entitled due to or arising out of or related to or in connection with the licensing, sale, development, commercialization or other exploitation of the INVENTION, including without limitation royalties, sales receipts, upfront payments, option fees, milestone payments, equity proceeds, other securities or investments, infringement or settlement proceeds or other forms of monetization or compensation.

**4.0.13 GROSS PCI REVENUES** means all gross revenues actually received by PCI during the FISCAL YEAR from all agreements arising out of or related to or in connection with the licensing, development, commercialization or other exploitation of an INVENTION or TANGIBLE RESEARCH PROPERTY, or intellectual property related to an INVENTION or TANGIBLE RESEARCH PROPERTY, whether involving patents, know-how, trademarks, copyrights and/or other forms of intellectual property, but excluding: (1) payments made to the University under sponsored research agreements or research awards, grants and contracts; (2) revenues payable to a third party sponsor or funder pursuant to a funding agreement, where performance of the sponsored or funded research directly gave rise to the INVENTION or TANGIBLE RESEARCH PROPERTY; (3) revenues related to the licensing of a University or Penn Medicine trademark (e.g., trademark royalties in connection with Penn-branded apparel, etc.) and unrelated to the licensing, development or other exploitation of an INVENTION or TANGIBLE RESEARCH PROPERTY; (4) consideration payable to a university or other third party related to co-inventor(s) or contributors to INVENTIONS or TANGIBLE RESEARCH PROPERTY having a duty to assign to such university or other third party (for example only, revenues payable to another institution due to joint inventorship or inter-institutional arrangements); and (5) accrued interest. GROSS PCI REVENUES includes, without limitation: license fees; license maintenance fees; minimum royalties; sublicense payments; milestone payments; option fees; royalties on sales of products and services; proceeds realized from the sale or other disposition of EQUITY from an EQUITY POOL; dividends and other monetary distributions related to EQUITY from an EQUITY POOL; and settlements of lawsuits or intellectual property disputes with third parties related to an INVENTION

DISCLOSURE, INVENTION or TANGIBLE RESEARCH PROPERTY. GROSS PCI REVENUES does not include REIMBURSED IP EXPENSES.

**4.0.14 INITIAL DEDUCTION** means a percentage of GROSS PCI REVENUES for an INVENTION, and a percentage of GROSS PCI REVENUES for TANGIBLE RESEARCH PROPERTY which is not defined as an INVENTION, in each case where such percentage is approved by the EXECUTIVE COMMITTEE. The percentage amount of the INITIAL DEDUCTION will be reviewed and may be adjusted, at least once each five (5) years, by the EXECUTIVE COMMITTEE. The EXECUTIVE COMMITTEE may recommend adjusting the INITIAL DEDUCTION percentage to an amount no greater than twenty five percent (25%) and not less than zero percent (0%) for INVENTIONS and/or to an amount no greater than seven percent (7%) and not less than zero percent (0%) for TANGIBLE RESEARCH PROPERTY which is not defined as an INVENTION. Any adjustment to the INITIAL DEDUCTION recommended by the EXECUTIVE COMMITTEE and approved by the President will take effect as of the first day of the FISCAL YEAR following the President's approval and will be announced broadly prior to the start of such FISCAL YEAR, unless the adjustment benefits the faculty and the schools in which case the change can be implemented at any time during the FISCAL YEAR. Effective as of July 1, 2023, INITIAL DEDUCTION means zero percent (0%) of GROSS PCI REVENUES for an INVENTION, and zero percent (0%) of GROSS PCI REVENUES for TANGIBLE RESEARCH PROPERTY which is not defined as an INVENTION.

**4.0.15 INTELLECTUAL PROPERTY ADMINISTRATOR (IPA)** means the Executive Director of PCI (or Executive Director's successor, as designated by the Vice Provost for Research).

**4.0.16 INVENTION** means and includes discoveries and inventions and related technical information, trade secrets, developments, knowhow, methods, techniques, formulae, data and processes; TANGIBLE RESEARCH PROPERTY upon which a patent has issued, or a patent application has been filed and is still pending; and other proprietary matter.

**4.0.17 INVENTION DISCLOSURE** means the written submission to the IPA, on standard invention disclosure forms available from PCI, of a written description of any INVENTION that an INVENTOR believes the INVENTOR has made.

**4.0.18 INVENTORS** means University faculty, emeritus faculty, visiting faculty or researchers, adjunct faculty, postdoctoral employees or trainees, or other employees, or students, or others who individually or jointly make an INVENTION subject to the PATENT POLICY and who meet the criteria for inventorship under United States patent laws and regulations.

**4.0.19 INVENTION ASSESSMENT COSTS** means all historic out-of-pocket costs and expenses related to the review, assessment and protection of the INVENTION DISCLOSURE and the INVENTION, including without limitation patent and copyright application costs and expenses, legal fees, filing fees, search fees, fees for legal opinions, patent fees, IP EXPENSES, and other out-of-pocket transactional costs attributable to the INVENTION DISCLOSURE and the INVENTION.

**4.0.20 INVESTIGATOR** means any University faculty member, emeritus faculty, visiting faculty or researcher, adjunct faculty, postdoctoral employee or trainee, or other employee, or an undergraduate or graduate student engaged in sponsored or unsponsored research.

**4.0.21 IP EXPENSES** means all out-of-pocket expenses incurred or accrued during the FISCAL YEAR by PCI arising out of or related to or

in connection with the review, assessment, protection, licensing, defense, enforcement or audit of intellectual property rights related to INVENTION DISCLOSURES, INVENTIONS, TANGIBLE RESEARCH PROPERTY and copyrightable works, or the defense, enforcement or audit of licenses or other agreements related to INVENTION DISCLOSURES, INVENTIONS, TANGIBLE RESEARCH PROPERTY or copyrightable works, including but not limited to: outside legal and patent agent fees and expenses; search fees and expenses; application fees; fees for legal opinions; government filing and maintenance fees; legal fees to defend or enforce intellectual property, license agreements, option agreements, confidentiality agreements, or other agreements related to the INVENTION DISCLOSURE, INVENTION, TANGIBLE RESEARCH PROPERTY or copyrightable work; fees and expenses to audit licensees and related agreements; and other out-of-pocket transactional costs related to patent, copyright, trademark and other intellectual property protection or licensing anywhere in the world. **REIMBURSED IP EXPENSES** means IP EXPENSES for which PCI received or accrued payment or reimbursement from a licensee, INVENTOR or third person before the end of the FISCAL YEAR. **UNREIMBURSED IP EXPENSES** means all of the IP EXPENSES minus the REIMBURSED IP EXPENSES at the end of the FISCAL YEAR, as shown in the accounting records of PCI (excluding accrued payments or reimbursements).

**4.0.22 MATERIALS** means lab notebooks, records, drawings, sketches, photographs, radiographs or other images, models, biological specimens, chemical samples or other materials needed to support the preparation, submission, prosecution, defense or enforcement of a patent in the United States or other applicable jurisdictions.

**4.0.23 NET PCI INCOME FOR AN INVENTION** means the ADJUSTED PROCEEDS FOR AN INVENTION, minus the PRO RATA SHARE of the AGGREGATE PCI OPERATING COSTS. If zero or a negative number, then there is no NET PCI INCOME FOR AN INVENTION. (As an example, if the ADJUSTED PROCEEDS FOR AN INVENTION equals \$273,125, the PRO RATA SHARE is five percent (5%), and the AGGREGATE PCI OPERATING COSTS equals \$4,500,000, the NET PCI INCOME FOR AN INVENTION equals [ $\$273,125 \text{ minus } (0.05 \times \$4,500,000)$ ], or \$48,125).

**4.0.24 PATENT POLICY** means this Patent and Tangible Research Property Policies and Procedures of the University of Pennsylvania, with any amendments.

**4.0.25 PARTICIPATION AGREEMENT** means a written agreement substantially in the form of Appendix A to the PATENT POLICY, setting out rights and responsibilities of University faculty, emeritus faculty, visiting faculty and researchers, adjunct faculty, postdoctoral employees and/or other salaried employees, students and others under the University's policies and procedures, and confirming the automatic assignment of ownership of INVENTIONS covered under the PATENT POLICY, to the University.

**4.0.26 PRO RATA SHARE** means the ratio (expressed as a percentage) of the GROSS PCI REVENUES directly generated by and attributable to an INVENTION and/or TANGIBLE RESEARCH PROPERTY, as determined by PCI, compared to the entire GROSS PCI REVENUES, during a FISCAL YEAR. (As an example, if the GROSS PCI REVENUES directly generated by and attributable to an INVENTION total \$600,000 in a FISCAL YEAR and the GROSS PCI REVENUES total \$12,000,000 in a FISCAL YEAR, the PRO RATA SHARE is five percent (5%).)

**4.0.27 SIGNIFICANT EQUITY INTEREST** means any EQUITY or other financial interest that when aggregated for the individual and the individual's spouse and dependent children exceeds \$25,000 in value,

as determined through reference to public prices or other reasonable measures of fair market value and does not represent more than five percent (5%) ownership interest in any single entity.

**4.0.28 STAKEHOLDERS** means shareholders, owners, members, general partners, limited partners or other owners or investors in an entity.

**4.0.29 SUBSTANTIAL USE OF UNIVERSITY RESOURCES** means the use of University funds, facilities, equipment, or other resources significantly in excess of the norm for educational or research purposes in the department or school in which the faculty member(s) holds their primary appointment(s) or in which a staff member or student is enrolled or employed. Academic year salary, office, usual library resources, usual secretarial and administrative staff resources or usual computer equipment, among other things, are not regarded as constituting "substantial use of University resources." Any question about what constitutes substantial use of University resources should be referred to the Vice Provost for Research.

**4.0.30 TANGIBLE RESEARCH PROPERTY** means unique research products or tools, such as biological materials or chemical moieties, whether or not patentable or otherwise protectable using intellectual property laws. Categories of biological material include organisms, cells, viruses, cell products, cloned DNA, as well as DNA sequences, mapping information and crystallographic coordinates. Some specific examples of biological materials include specialized and/or genetically defined cells, including normal and diseased human cells; monoclonal cell lines; hybridoma cell lines; microbial cells and products; viruses and viral products; recombinant nucleic acid molecules; DNA probes; nucleic acid and protein sequences; and transgenic mice or other animals. Categories of chemical moieties or engineered products include sample compounds, reagents, intermediates, models, sensors, devices, equipment, computer hardware or firmware, diagrams or computer media.

**4.0.31 TANGIBLE RESEARCH PROPERTY DIRECT GENERATION COSTS** means all of the documented and verifiable direct costs and expenses attributable or allocated to the generation of the quantities of TANGIBLE RESEARCH PROPERTY distributed which led to the receipt of GROSS PCI REVENUES from such TANGIBLE RESEARCH PROPERTY. As an example, only the costs of raw materials, supplies, reagents, specialized equipment, and other direct costs and expenses necessary to generate the quantity of TANGIBLE RESEARCH PROPERTY constitutes TANGIBLE RESEARCH PROPERTY DIRECT GENERATION COSTS. Salaries, overhead and equipment which is otherwise used for teaching or numerous research purposes is not part of TANGIBLE RESEARCH PROPERTY DIRECT GENERATION COSTS. (Any disagreement among the INVESTIGATORS and PCI regarding the calculation of TANGIBLE RESEARCH PROPERTY DIRECT GENERATION COSTS may be appealed to the APPEALS BOARD).

**4.1 Review of Policies and Procedures.** The EXECUTIVE COMMITTEE together with the Vice Provost for Research shall review the PATENT POLICY (including Appendix B), from time to time to determine whether it is accomplishing its intended purposes and is in conformity with applicable laws and regulations, including intellectual property laws. The EXECUTIVE COMMITTEE shall make recommendations for amendments or other changes to the Provost and the Faculty Senate, who shall confer with the President. The President may amend the PATENT POLICY including but not limited to an adjustment to the INITIAL DEDUCTION, upon consultation with the Faculty Senate, and the Vice Provost for Research.

**4.2 Disputes Under Policies and Procedures.** Except as expressly set forth otherwise in this PATENT POLICY, disputes arising from the interpretation or administration of the PATENT POLICY may be referred by any interested party to the Chair of the APPEALS BOARD and the Office of the Vice Provost for Research, who will promptly notify the IPA. The APPEALS BOARD shall first determine whether it has jurisdiction to hear any such dispute before proceeding. The APPEALS BOARD shall provide an equitable mechanism for the review and resolution of disputes brought before it and shall have the authority to make a judgment with respect to such disputes. The APPEALS BOARD shall use reasonable efforts to make a judgment with respect to any dispute within thirty (30) days after having any such dispute referred to it. Any judgment of the APPEALS BOARD may be appealed by any interested party to the Vice Provost for Research. The Vice Provost for Research shall consider the matter de novo and shall use reasonable efforts to review any such appeal and make a judgment with respect to any appeal, within thirty (30) days after having any such dispute referred to them. Any judgment of the Vice Provost for Research may be appealed to the President, who will make a final decision for the University.

**4.3 No Change to Relationships.** Nothing in this PATENT POLICY or the actions taken in connection with INVENTIONS, TANGIBLE RESEARCH PROPERTY or EQUITY, is intended to or shall be interpreted or deemed to create a fiduciary, trust or agency relationship between the University or any of its units or personnel, and any faculty, staff, student or INVENTOR.

## Appendix A. Participation Agreement

In order that the University may fulfill legal and contractual obligations to sponsors of research, including but not limited to the federal government, and in consideration of my employment by the University, or my participation in sponsored research, or my use of funds, facilities, or other resources provided by the University, I hereby agree as follows:

I have read, and I understand and agree that I am bound by, the terms of the *Patent and Tangible Research Property Policies and Procedures of the University of Pennsylvania*, as well as by the terms of any revisions or amendments adopted by the President and/or the Trustees of the University of Pennsylvania (collectively, the "PATENT POLICY"), effective retroactively to the first date of my employment, appointment or matriculation, and/or participation in sponsored research and/or SUBSTANTIAL USE OF UNIVERSITY RESOURCES ("Start Date"). I understand that words appearing as all capitalized letters in this Agreement are used as defined in the PATENT POLICY.

I agree to promptly and completely report to the INTELLECTUAL PROPERTY ADMINISTRATOR ("IPA") any INVENTION which is conceived or reduced to practice in the course of my employment at the University, or from work directly related to professional or employment responsibilities at the University, or from work carried out on University time, or at University expense, or with SUBSTANTIAL USE OF UNIVERSITY RESOURCES under grants or otherwise. **I hereby irrevocably assign to The Trustees of the University of Pennsylvania all right, title and interest in and to any and all such INVENTIONS, effective retroactively to my Start Date.**

I acknowledge that any TANGIBLE RESEARCH PROPERTY, whether or not patentable, which is made in the course of employment at the University or from work directly related to professional or employment responsibilities at the University, or from work carried out on University time, or at University expense, or with SUBSTANTIAL USE OF UNIVERSITY RESOURCES under grants or otherwise is the property of the University. **I hereby irrevocably assign to The Trustees of the University of**

**Pennsylvania all right, title and interest in and to any and all such TANGIBLE RESEARCH PROPERTY, effective retroactively to my Start Date.**

I understand that the University incurs binding obligations to sponsors, including the federal government, companies or foundations, under the terms of sponsored research, or grant agreements. When I participate in research, I understand that it is my responsibility to ascertain and abide by the terms of the research agreement as it relates to me. In particular, when engaged in outside activity, such as consulting, I recognize my duty to protect the University's obligations to its research sponsors and funders and the University's rights pursuant to the PATENT POLICY.

I also understand that on occasion University policy or the University's obligations to research sponsors may require that I assign my interest in copyrightable materials to the University. **In such cases, I hereby irrevocably assign all right, title and interest in and to such materials and the copyrights therein, if any, to The Trustees of the University of Pennsylvania, effective retroactively to my Start Date.** I further understand that, in agreements with research sponsors, the University seeks to retain copyrights for its faculty.

I will cooperate fully with the University in the preparation, filing and prosecution of patents, in the registration of copyrights and in the preparation and execution of all documents necessary or incidental thereto, including but not limited to any additional written assignments deemed desirable by the University to further evidence my legal assignment of ownership or otherwise facilitate protection of the intellectual property or the establishment of the federal government's rights in inventions funded by the federal government.

I accept the provisions for the sharing of amounts and EQUITY in the PATENT POLICY and the then-current *Policy Relating to Copyrights and Commitment of Effort for Faculty* (the "Copyright Policy").

I am under no obligation to any person, organization or corporation with respect to any INVENTION(S), TANGIBLE RESEARCH PROPERTY or copyrightable materials which are, or could be reasonably be construed to be, in conflict with this Agreement, except as set forth in writing in the signed attachment to this letter (if any).

This Agreement and the assignments and obligations are effective as of my Start Date and apply to any INVENTION(S), TANGIBLE RESEARCH PROPERTY, and copyrightable materials made during the time I am employed by the University, hold an appointment, continue to matriculate, participate in sponsored research or otherwise make a SUBSTANTIAL USE OF UNIVERSITY RESOURCES.

Signature: \_\_\_\_\_

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

Penn ID Number: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix B. Rules Governing EQUITY Transactions

**B.1 Licenses in Consideration of EQUITY.** The principal purpose of licensing by the University is to promote the development of technologies to serve the public interest. If after a diligent effort to identify prospective licensees, the IPA determines that the public interest is best served by a license in consideration of EQUITY, the IPA may negotiate such a license

on behalf of the University, following consultation with the Vice Provost for Research, the INVENTORS, the General Counsel (or the General Counsel's designee), the Treasurer (or the Treasurer's designee) and the University Conflict of Interest Standing Committee. The IPA should be satisfied that the licensee can demonstrate management and technical capability and that it has the financial resources necessary to meet its developmental objectives and its obligations to the University. The IPA may accept EQUITY in the licensee for the University in lieu of or in addition to license or other fees, provided that the EQUITY represents a fair valuation for the technology. The IPA shall include in each license measures of performance that must be met in order to maintain the license granted by the University.

**B.2 Disclosure of EQUITY.** The University will require the prospective licensee to disclose all EQUITY offered to the University (and other institutions or individuals which may co-own an INVENTION with the University) in consideration for the license agreement. In addition, the prospective licensee will be required to disclose in writing to the IPA and the Treasurer the specific terms and conditions associated with such EQUITY and the current and pro forma capital structure of the venture. Furthermore, the prospective licensee and the INVENTORS must disclose to the IPA and the Treasurer in writing the EQUITY to be issued to INVENTORS for their role as founders, consultants or otherwise.

**B.3 Conflicts of Interest in License Agreements Involving EQUITY.** License agreements involving EQUITY must be structured to protect the University and faculty members from liability and to avoid conflicts of interest. Prior to the University executing any agreement, the INVENTOR(S) shall disclose to the IPA and the University Conflict of Interest Standing Committee, any existing or proposed consulting agreement between the INVENTOR(S) and the prospective licensee or any other consulting agreements with other entities that have potential for conflicts of interest. Upon the recommendation of the Vice Provost for Research, the University and the relevant deans may impose limitations on the proposed license agreement, associated sponsored research agreement, consulting agreement between the INVENTOR and the licensee or other agreements. In addition, the University, deans or chairs may create an oversight mechanism for the relevant INVENTORS.

**B.3.1 Board Participation and Fiduciary Roles.** In general, the University will not accept a position on the board of directors (or other comparable governing entity) of the licensee but may accept and exercise observer rights on such boards or comparable governing entities. Exceptions to this policy require the approval of the Executive Vice President of the University in consultation with the IPA and the General Counsel. As a matter of policy, INVENTORS may not serve on the board of directors (or other comparable governing entity) of the licensee or in any other fiduciary capacity. In general, INVENTORS may accept a seat on scientific advisory boards providing that membership on such a board does not create a fiduciary responsibility to the licensee or any of its STAKEHOLDERS.

**B.3.2 Minority Ownership.** The INVENTORS (and members of their families) together may not be majority STAKEHOLDERS of the venture at the time that the license agreement is negotiated and thereafter.

**B.3.3 Licensee Representation.** In license negotiations with the University, the prospective licensee must be represented by a party other than an INVENTOR or a member of the INVENTOR'S family.

**B.4 University versus Direct Personal Ownership of EQUITY.** EQUITY allocated to INVENTORS from the EQUITY POOL generally will be issued directly to the University. INVENTORS may request in writing that such

EQUITY be issued directly to them at the time the EQUITY is issued if reasonably feasible, which will be considered by the IPA in consultation with the INVENTORS. The INVENTORS will be responsible for retaining their own business advisors, legal counsel and tax counsel. INVENTORS are responsible for all financial, tax and legal consequences related to the EQUITY they receive. The University Conflict of Interest Standing Committee reserves the right to require that any EQUITY issued to INVENTORS by the licensee be held in a "blind trust" for a defined period of time. An INVENTOR who receives EQUITY from the EQUITY POOL or from the licensee outside of the EQUITY POOL generally will receive a reduced INVENTORS PERSONAL SHARE of ADJUSTED PCI REVENUES for the INVENTION, pursuant to Section 2.3.3.1 above, to avoid an unintended incentive to structure transactions whereby the INVENTORS retain 100% of the proceeds from their share of the EQUITY POOL and obtain 30% of the proceeds to the University when the University liquidates EQUITY held by the University. The University may agree to accept all shares of the EQUITY POOL including INVENTORS shares, provided that all INVENTORS and other institutions release the University in writing from any liability associated with the management, investment and ownership of the EQUITY. When the University accepts shares of the EQUITY POOL including INVENTORS shares, the Investment Board of the University will control the EQUITY and make all decisions regarding the management, investment and ownership of the EQUITY, in its sole discretion. Any income received by the University from EQUITY held on behalf of INVENTORS will be distributed among INVENTORS in accordance with Section 2.3.4 of the Patent and Tangible Research Policies and Procedures.

**B.5 Management of EQUITY.** Any EQUITY received by the University under a license agreement will be held by the Office of the Treasurer until such time that the University's Investment Board decides to liquidate such EQUITY.

## Appendix C: Hypothetical Example

GROSS PCI REVENUES for FY 2022 equals \$12,000,000.

GROSS PCI REVENUES for FY 2022 attributable to the XYZ INVENTION equals \$600,000.

The PRO RATA SHARE equals 5% (\$600,000 divided into \$12,000,000 equals 0.05).

The INITIAL DEDUCTION equals 5% of GROSS PCI REVENUES, or \$600,000 (0.05 times \$12,000,000 equals \$600,000). Thus, TOTAL ADJUSTED PCI REVENUES equals \$11,400,000 (\$12,000,000 minus the INITIAL DEDUCTION of \$600,000 equals \$11,400,000).

The PRO RATA SHARE of the INITIAL DEDUCTION attributable to the XYZ INVENTION equals \$30,000 (0.05 times \$600,000 equals \$30,000).

Thus, the ADJUSTED PCI REVENUES for the XYZ INVENTION equals \$570,000 (\$600,000 minus \$30,000 equals \$570,000).

The INVENTORS PERSONAL SHARE equals 30% of ADJUSTED PCI REVENUES for the XYZ INVENTION, or \$171,000 (\$570,000 times 0.3 equals \$171,000).

The INVENTORS RESEARCH ACTIVITY SHARE equals 12.5% of ADJUSTED PCI REVENUES for the XYZ INVENTION, or \$71,250 (\$570,000 times 0.125 equals \$71,250).

The ADJUSTED PROCEEDS for the XYZ INVENTION equals \$327,750 (\$570,000 minus \$171,000 and minus \$71,250).

**AGGREGATE PCI OPERATING COSTS** for FY 2022 equals \$4,500,000.

The **PRO RATA SHARE of AGGREGATE PCI OPERATING COSTS** attributable to the XYZ INVENTION equals \$225,000 (0.05 times \$4,500,000 equals \$225,000).

Thus, the **NET PCI INCOME** for the XYZ INVENTION equals \$102,750 (\$327,750 minus \$225,000).

The **SCHOOLS OF INVENTORS SHARE** equals 60% of the **NET PCI INCOME** for the XYZ INVENTION, or \$61,650 (\$102,750 times 0.6 equals \$61,650).

The **UNIVERSITY RESEARCH SHARE** equals 40% of the **NET PCI INCOME** for the XYZ INVENTION, or \$41,100 (\$102,750 times 0.4 equals \$41,100).

# PHD STUDENT LEAVE OF ABSENCE POLICY

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PhD students will be granted a leave of absence for military duty, medical reasons, or family leave (<https://catalog.upenn.edu/pennbook/family-friendly-policies-phd-students/>); any of these may require documentation. Military, medical and family leave “stops the clock” on time to completion. Personal leave for other reasons may be granted with the approval of the Graduate Group Chair in consultation with the Graduate Dean of the student’s school, but does not, absent exceptional circumstances, “stop the clock” on time to completion.

Notification of permission or denial of leaves of absence will be communicated in writing by the student’s Graduate Group Chair. The terms of the leave will be specified at the time the leave is granted, including the extent to which the student will have access to resources, facilities, or campus – either physically or remotely – during the leave period. Requirements for return may be imposed by the Graduate Group Chair in consultation with the Graduate Dean of the student’s school; such requirements will be provided in writing to the student when the leave is approved.

Leaves of absence from PhD studies are typically granted for one or two semesters. Leaves requested for a longer period are approved only in exceptional circumstances (for example, mandatory military service). Students may request an extension of leave, to be approved by the Graduate Group Chair in consultation with the Graduate Dean. Extension requests should be made by the student at least 30 days before the expiration of the original leave of absence.

Continuous registration as a graduate student is required unless a formal leave of absence is granted. A student is considered to have withdrawn from candidacy for the degree if the student: (1) fails to return from leave as scheduled, (2) fails to secure an extension of a prior leave, or (3) does not have an approved leave of absence and fails to register each semester. In these cases, approval to return by the Graduate Dean and recertification are required as outlined in the Academic Rules for PhD Programs (<https://catalog.upenn.edu/pennbook/academic-rules-phd/>).

While on leave, a student’s funding from the University is deferred until the student returns from leave. Students receiving funding from external sources, such as government grants, are subject to the conditions established by the funding source. Students whose University funding includes coverage of the Penn Student Health Insurance Plan will continue to receive coverage for their individual health insurance while on medical or family leave for one full semester; students may petition for an additional semester. Students with external funding that includes health insurance coverage that will not continue if on leave will also receive coverage for their individual health insurance from their School while on medical or family leave for one full semester; these students may also petition for an additional semester. No language or other degree examinations may be taken while a student is on a leave of absence. Students may not earn credit for courses taken at another institution during a leave of absence. Leave should not be granted for the purpose of evading tuition charges.

Students returning from leave are not guaranteed to return to the same research group, project, or lab. If necessary, the Graduate Group will make every effort to find a suitable new research group, project, or lab for the student.

In order to ensure successful completion of the PhD, a student’s leave(s) should generally not exceed two years over the course of the doctoral program. If, however, it is determined in an individual case that extension of the leave period(s) beyond two years is appropriate, students may need to repeat coursework or other requirements, as determined by the Graduate Group Chair. Original funding limits remain in place for students who must repeat requirements. In addition, the Graduate Group Chair, in consultation with the Graduate Dean, will annually review each case in which a further extension has been granted, or repeated leaves have been taken, to assess if the length and/or number of leaves have made it impossible for a student to make sufficient continuous academic progress to complete the degree. In such a case, the student will be advised that no further extensions will be granted and that they will be withdrawn from the program.

*Important note:* Students taking Family Leave who anticipate adding a dependent (e.g., newborn) to their Penn Student Insurance Policy must remain in active student status at the start of the fall semester. See more information at <https://catalog.upenn.edu/pennbook/family-friendly-policies-phd-students/>.

The procedures for requesting and returning from leave are outlined here (<https://provost.upenn.edu/resources-phd-students/>).

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Updated November 22, 2022 (Almanac Volume 69, Issue 15 (<https://almanac.upenn.edu/#of-record-phd-student-leave-of-absence-policy-and-family-friendly-policies-for-phd-students-new-parent-accommodation>))

# PHOTOCOPYING FOR EDUCATIONAL PURPOSES

The enactment of a federal Copyright Act, effective January 1, 1978, has produced much misunderstanding among teachers regarding the permissible amount of photocopying for educational purposes. Only copyrighted works are protected by the act. This elemental point is often overlooked. Court opinions, legislative hearings and other government documents are not copyrighted, and may be freely photocopied. The same is true of works for which the copyright has expired, and of works which prior to January 1978 were sold or disseminated without proper notice of copyright.

There is a danger, however, of acting unlawfully when one photocopies without permission works which are covered by the act. The act applies to all "original works of authorship" in written (or other tangible) form, from the moment the work is created, whether it was created before or after January 1, 1978 and whether or not it has been published.

But even copyrighted materials may be photocopied without permission from, or payment to, the copyright owner, if it is a "fair use," a doctrine recognized by American courts for nearly a century and a half whose principal purpose is to protect the public interest in the dissemination of knowledge. This doctrine is endorsed in the text of the act, which explicitly refers to the allowable reproduction of copyrighted works for purposes, such as "criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research."

Congress appreciated the impossibility of announcing in a statute an exact quantitative measure that would distinguish copying which is a fair use from copying which is an infringement. Rather, the act provides factors to be considered:

1. the purpose and character of the use, including whether such is of a commercial nature or is for non-profit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

The making of a single copy of copyrighted material for a teacher's personal use in teaching, scholarship or research will almost always be a fair use. More difficult questions rise when multiple copies are made for distribution to students. Certainly, the risk of infringement increases in proportion to the amount of copyrighted material which is photocopied and the extent that the photocopying replaces what would otherwise be a purchase of copies of the work from trade sources by (or for) the students. Thus, the making of multiple photocopies of an entire or of a substantial part of an article will raise serious question as to whether such use is "fair," while the reproduction of five pages of an article of 25 or 30 pages will generally be regarded as privileged. A teacher should try to avoid making multiple photocopies of copyrighted material which is not truly important for that teacher's pedagogical needs. In any event, students receiving such photocopied material should be charged no more than is necessary to cover the cost of photocopying and processing.

During congressional deliberations on the act, a group of educational associations and commercial publishers developed a set of guidelines which purport to announce the minimum reach of the fair use doctrine as applied to educational photocopying. The guidelines are set forth below.

In the report by the House committee submitting the copyright bill, these guidelines were said to constitute a "reasonable" construction of the fair use doctrine. Several misconceptions about these guidelines have developed and should be dispelled.

Although some have read the guidelines as imposing limits upon educational photocopying, in fact they prohibit nothing. They purport to state only the minimum protection of the fair use doctrine and announce a "safe harbor" within which a teacher is assured of protection against claims of infringement. The guidelines acknowledge that there may be allowable photocopying beyond that which is set forth; they do not purport to state where the fair use privilege ends.

Although some have treated the guidelines as though they have the status of legislation, that is not true, either. The text of the act, strengthened in committee deliberations, explicitly adverts to "teaching (including multiple copies for classroom use)" as a classic situation in which the fair use doctrine applies. This is the statutory text Congressmen had before them when they voted, and it is the statutory text which the courts will construe. The extent to which the privately developed "guidelines" will pre-empt other "reasonable" interpretations of fair use is a judicial question.

A teacher should consider the potential consequences of an incorrect decision. If the teacher elects not to photocopy in circumstances constituting fair use, students must find the material in the library or elsewhere. Techniques for increasing student access to limited materials will vary; the question of permissible library photocopying for "reserve" purposes raises issues not addressed here.

If a teacher decides to photocopy for classroom use, the possible legal sanctions for an incorrect decision must be appreciated. Book publishers have declared and demonstrated their intention to sue faculty members, universities and copy centers for copyright infringement. As a general rule, a copyright infringer is liable for damages, measured by the loss of profits to the copyright owner and any additional profits acquired by the infringer. Since in the academic setting there will not generally be profits to the teacher or school, damages will be measured by the likely loss in sales of the copyrighted work, normally an uncertain figure. For this reason, the act permits the copyright owner to sue for "statutory damages" in lieu of actual damages, and the court is given discretion to enter an award between \$250 and \$10,000 (which may be increased to \$50,000 for willful violations). If, however, a teacher had reasonable grounds to believe that the photocopying was a fair use, he or she is not liable for statutory damages (although he or she may be liable for actual damages). In all cases, the court may issue an order against the teacher or the educational institution barring future infringements.

Without regard to legal implications, a teacher should be sensitive to the dictates of good practice and courtesy in the use of copyrighted material. Authors and copyright owners appreciate notification that uses are being made of their work. It is common for the copyright owner to permit substantial photocopying for educational purposes, provided that the author and copyright owner are identified and proper copyright notice is affixed.

Questions regarding the application of the Copyright Act in specific situation should be addressed to the Office of the General Counsel.

## I. Guidelines

### A. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

1. A chapter from a book;
2. An article from a periodical or newspaper;
3. A short story, short essay or short poem whether or not from a collective work;
4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

### B. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion provided:

1. The copying meets the tests of brevity and spontaneity as defined below; and,
2. Meets the cumulative effect test as defined below; and,
3. Each copy includes a notice of copyright.

## II. Definitions

### A. Brevity

1. Poetry:
  - a. A complete poem if less than 250 words and if printed on not more than two pages, or
  - b. from a longer poem, an excerpt of not more than 250 words.
2. Prose:
  - a. Either a complete article, story or essay of less than 2,500 words, or
  - b. an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

(Each of the numerical limits stated in 1 and 2 above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

3. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
4. "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience, fall short of 2,500 words in their entirety. Paragraph "b" above notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text thereof, may be reproduced.

### B. Spontaneity

1. The copying is at the instance and inspiration of the individual teacher, and
2. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

### C. Cumulative Effect

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, not more than three from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in "b" and "c" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

## III. Prohibitions as to the above. Notwithstanding any of the above, the following shall be prohibited:

1. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
2. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercise, standardized tests and test booklets and answer sheets and like consumable material.
3. Copying shall not:
  - a. substitute for the purpose of books, publisher's reprints or periodicals;
  - b. be directed by higher authority;
  - c. be repeated with respect to the same item by the same teacher from term to term.
4. No charge shall be made to the student beyond the actual cost of the photocopying.

(Source: Almanac, May 23, 1989 (<https://almanac.upenn.edu/archive/v35pdf/n36/052389.pdf>))

# POLICY ON ACCEPTABLE USE OF ELECTRONIC RESOURCES

## Summary

This policy defines the boundaries of “acceptable use” of limited University electronic resources, including computers, networks, electronic mail services and electronic information sources, as detailed below. It includes by reference a self-contained compilation of specific rules that can be modified as the electronic information environment evolves.

The policy is based on the principle that the electronic information environment is provided to support University business and its mission of education, research and service. Other uses are secondary. Uses that threaten the integrity of the system; the function of non-University equipment that can be accessed through the system; the privacy or actual or perceived safety of others; or that are otherwise illegal are forbidden.

By using University electronic information systems, you assume personal responsibility for their appropriate use and agree to comply with this policy and other applicable University policies, as well as City, State and Federal laws and regulations, as detailed below.

The policy defines penalties for infractions, up to and including loss of system access, employment termination or expulsion. In addition, some activities may lead to risk of legal liability, both civil and criminal.

Users of electronic information systems are urged in their own interest to review and understand the contents of this policy.

## Purposes

The University of Pennsylvania makes computing resources (including, but not limited to, computer facilities and services, computers, networks, electronic mail, electronic information and data, and video and voice services) available to faculty, students, staff, registered guests, and the general public to support the educational, research and service missions of the University.

When demand for computing resources may exceed available capacity, priorities for their use will be established and enforced. Authorized faculty and staff may set and alter priorities for exclusively local computing/networking resources. The priorities for use of University-wide computing resources are:

*Highest:* Uses that directly support the educational, research and service missions of the University.

*Medium:* Other uses that indirectly benefit the education, research and service missions of the University, as well as and including reasonable and limited personal communications.

*Lowest:* Recreation, including game playing.

*Forbidden:* All activities in violation of the General Standards or prohibited in the *Specific Rules* interpreting this policy.

The University may enforce these priorities by restricting or limiting usages of lower priority in circumstances where their demand and limitations of capacity impact or threaten to impact usages of higher priority.

## Implied consent

Each person with access to the University’s computing resources is responsible for their appropriate use and by their use agrees to comply with all applicable University, School, and departmental policies and regulations, and with applicable City, State and Federal laws and regulations, as well as with the acceptable use policies of affiliated networks and systems (See Appendices to *Specific Rules*).

*Open Expression in the Electronic Information Environment:* The rights to freedom of thought, inquiry and expression, as defined in the University’s Guidelines on Open Expression (p. 73), are paramount values of the University community. The University’s commitment to the principles of open expression extends to and includes the electronic information environment, and interference in the exercise of those rights is a violation of this policy and of the Guidelines on Open Expression (p. 73). As provided in the Guidelines (p. 73), in case of conflict between the principles of the Guidelines on Open Expression (p. 73) and this or other University policies, the principles of the Guidelines (p. 73) take precedence.

*General Standards for the Acceptable Use of Computer Resources:* Failure to uphold the following General Standards for the Acceptable Use of Computer Resources constitutes a violation of this policy and may be subject to disciplinary action.

The General Standards for the Acceptable Use of Computer Resources require:

- Responsible behavior with respect to the electronic information environment at all times;
- Behavior consistent with the mission of the University and with authorized activities of the University or members of the University community;
- Respect for the principles of open expression;
- Compliance with all applicable laws, regulations, and University policies;
- Truthfulness and honesty in personal and computer identification;
- Respect for the rights and property of others, including intellectual property rights;
- Behavior consistent with the privacy and integrity of electronic networks, electronic data and information, and electronic infrastructure and systems; and
- Respect for the value and intended use of human and electronic resources.

*Enforcement and Penalties for Violation:* Any person who violates any provision of this policy, of the *Specific Rules* interpreting this policy, of other relevant University policies, or of applicable City, State, or Federal laws or regulations may face sanctions up to and including termination or expulsion. Depending on the nature and severity of the offense, violations can be subject to disciplinary action through the Student Disciplinary System or disciplinary procedures applicable to faculty and staff.

It may at times be necessary for authorized systems administrators to suspend someone’s access to University computing resources immediately for violations of this policy, pending interim resolution of the situation (for example by securing a possibly compromised account and/or making the owner of an account aware in person that an activity constitutes a violation). In the case of egregious and continuing violations suspension of access may be extended until final resolution by the appropriate disciplinary body.

System owners, administrators or managers may be required to investigate violations of this policy and to ensure compliance.

## Amendment

Formal amendment of the General Standards of Acceptable Use of Computing Resources or other aspects of this policy may be promulgated by the Provost following consultation with the University Council Committee on Communications, publication “For Comment” in *Almanac*, a reasonable waiting period, and publication “Of Record” in *Almanac*.

## Interpreting this Policy

As technology evolves, questions will arise about how to interpret the general standards expressed in this policy. The Vice President for Information Systems and Computing shall, after consultation with the University Council Committee on Communications, and subject to the same waiting period and publication provisions as above, publish specific rules interpreting this policy.

## Waiver

When restrictions in this policy interfere with the research, educational or service missions of the University, members of the University community may request a written waiver from the Vice President for Information Systems and Computing (<http://www.upenn.edu/computing/isc/>) (or designee).

## Further Information

For further information about University computing regulations or Commonwealth of Pennsylvania and Federal computing laws, contact the University Information Security Officer at (215) 898-2172 or send email to: [security@isc.upenn.edu](mailto:security@isc.upenn.edu).

## Specific Rules Interpreting the Policy on Acceptable Use of Electronic Resources

The following specific rules apply to all uses of University computing resources. These rules are not an exhaustive list of proscribed behaviors, but are intended to implement and illustrate the General Standards for the Acceptable Use of Computer Resources, other relevant University policies, and applicable laws and regulations. Additional specific rules may be promulgated for the acceptable use of individual computer systems or networks by individual Schools, departments, or system administrators.

## Content of Communications

- Except as provided by applicable City, State, or Federal laws, regulations or other University policies, the content of electronic communications is not by itself a basis for disciplinary action.
- Unlawful communications, including threats of violence, obscenity, child pornography, and harassing communications (as defined by law), are prohibited.
- The use of University computer resources for private business or commercial activities (except where such activities are otherwise permitted or authorized under applicable University policies), fundraising or advertising on behalf of non-University organizations, or the reselling of University computer resources to non-University individuals or organizations, and the unauthorized use of the University’s name, are prohibited. The Vice President for Information Systems (or designee) may specify rules and specific forums where

limited use of University resources for non-recurring exchange and sale of personal items is permitted.

## Identification of Users

Anonymous and pseudonymous communications are permitted except when expressly prohibited by the operating guidelines or stated purposes of the electronic services to, from, or through which the communications are sent. However, when investigating alleged violations of the Guidelines on Open Expression (p. 73), the Committee on Open Expression may direct the University’s Information Security Officer, or an authorized system administrator, to attempt to identify the originator of anonymous/pseudonymous messages, and may refer such matters to appropriate disciplinary bodies to prevent further distribution of messages from the same source.

The following activities and behaviors are prohibited:

- Misrepresentation (including forgery) of the sender’s identity or an electronic communication’s source;
- Acquiring or attempting to acquire passwords of others;
- Using or attempting to use the computer accounts of others;
- Alteration of the content of a message originating from another person or computer with intent to deceive; and
- The unauthorized deletion of another person’s news group postings.

## Access to Computer Resources

The following activities and behaviors are prohibited:

- The use of restricted-access University computer resources or electronic information without or beyond one’s level of authorization;
- The interception or attempted interception of communications by parties not explicitly intended to receive them;
- Making University computing resources available to individuals not affiliated with the University of Pennsylvania without approval of an authorized University official;
- Making available any materials the possession or distribution of which is illegal;
- The unauthorized copying or use of licensed computer software;
- Unauthorized access, possession, or distribution, by electronic or any other means, of electronic information or data that is confidential under the University’s policies regarding privacy or the confidentiality of student, administrative, personnel, archival, or other records, or as defined by the cognizant Data Steward;
- Intentionally compromising the privacy or security of electronic information; and
- Intentionally infringing upon the intellectual property rights of others in computer programs or electronic information (including plagiarism and unauthorized use or reproduction).

## Operational integrity

The following activities and behaviors are prohibited:

- Interference with or disruption of the computer or network accounts, services, or equipment of others, including, but not limited to, the propagation of computer “worms” and “viruses”, the sending of electronic chain mail, and the inappropriate sending of “broadcast” messages to large numbers of individuals or hosts;

- Failure to comply with requests from appropriate University officials to discontinue activities that threaten the operation or integrity of computers, systems or networks, or otherwise violate this policy;
- Revealing passwords or otherwise permitting the use by others (by intent or negligence) of personal accounts for computer and network access;
- Altering or attempting to alter files or systems without authorization;
- Unauthorized scanning of networks for security vulnerabilities;
- Attempting to alter any University computing or networking components (including, but not limited to, bridges, routers, and hubs) without authorization or beyond one's level of authorization;
- Unauthorized wiring, including attempts to create unauthorized network connections, or any unauthorized extension or re-transmission of any computer or network services;
- Intentionally damaging or destroying the integrity of electronic information;
- Intentionally disrupting the use of electronic networks or information systems;
- Intentionally wasting human or electronic resources; and
- Negligence leading to the damage of University electronic information, computing/networking equipment and resources.

## Appendices

### Relevant University policies

This Acceptable Use Policy incorporates and supersedes the earlier Policy on Ethical Behavior with Respect to the Electronic Information Environment. The use of computing resources is also required to conform to the following University policies:

- Code of Student Conduct (p. 41)
- Guidelines on Open Expression (p. 73)

In addition, specific policies of the University's Schools, departments, computer systems and networks, and other general University policies and regulations are also applicable to the use of computer resources. These policies include, but are not limited to, the following:

- Patent Policy (p. 83)
- Copyright Policy (<http://catalog.upenn.edu/faculty-handbook/v/v-l/>)
- Computer Software Policy (<http://www.upenn.edu/almanac/v45/n08/copy.html>)
- Policy on the Uses of University Resources (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/uses-of-university-resources/>)
- Policy on Confidentiality of Student Records and Information (p. 43)
- Policy Regarding Faculty Misconduct in Research (<http://catalog.upenn.edu/faculty-handbook/iii/iii-b/>)
- Policy on Privacy in the Electronic Environment (p. 104)
- Code of Academic Integrity (p. 40)
- Protocols for human subjects research: any research involving human subjects must be approved by the Committee on Studies Involving Human Beings
- Acceptable Use Policies of individual Schools, departments, computer systems, and networks
- Guidelines for Administrators of Penn E-mail Systems (<https://provider.www.upenn.edu/computing/email/admin-guidelines.html>)

### Applicable laws

Computer and network use is also subject to Pennsylvania and Federal laws and regulations. Suspected violations of applicable law are subject to investigation by University and law enforcement officials. Among the applicable laws are:

- *Federal Copyright Law*: U.S. copyright law grants authors certain exclusive rights of reproduction, adaptation, distribution, performance, display, attribution and integrity to their creations, including works of literature, photographs, music, software, film and video. Violations of copyright laws include, but are not limited to, the making of unauthorized copies of any copyrighted material (such as commercial software, text, graphic images, audio and video recordings) and distributing copyrighted materials over computer networks or through other means.
- *Federal Wire Fraud Law*: Federal law prohibits the use of interstate communications systems (phone, wire, radio, or television transmissions) to further an illegal scheme or to defraud.
- *Federal Computer Fraud and Abuse Law*: Federal law prohibits unauthorized access to, or modification of information in computers containing national defense, banking, or financial information.
- *Federal and Pennsylvania Child Pornography Laws*: Federal and Pennsylvania laws prohibit the creation, possession, or distribution of graphic depictions of minors engaged in sexual activity, including computer graphics. Computers storing such information can be seized as evidence.
- *Pennsylvania Computer Crime Law*: Pennsylvania law prohibits access to any computer system or network with the intent to interrupt an organization, or to perpetrate a fraud including the intentional and unauthorized publication of computer passwords.
- *Pyramid Schemes/Chain Letters*: It is a violation of the Federal Postal Lottery Statute to send chain letters which request sending money or something of value through the US mail. Solicitations through electronic messaging are also illegal, if they require use of US mail for sending money/something of value.
- *Defamation*: Someone may seek civil remedies if they can show that they were clearly identified as the subject of defamatory messages and suffered damages as a consequence. Truth is a defense against charges of defamation.
- *Common law actions for invasion of privacy*: Someone may take seek civil remedies for invasion of privacy on several grounds.
- *Public disclosure of private facts*: the widespread disclosure of facts about a person, even when true, may be deemed harmful enough to justify a lawsuit.
- *False light*: a person wrongfully attributes views or characteristics to another person in ways that damage that person's reputation.
- *Wrongful intrusion*: the law often protects those areas of a person's life in which they can reasonably expect they will not be intruded upon.

(Source: Almanac, April 29, 1997 (<http://www.upenn.edu/almanac/v43/n32/accept.html>))

# POLICY ON AMENDING THESIS/DISSERTATION AFTER FINAL SUBMISSION

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Once approved by the thesis/dissertation committee and published in the University's ScholarlyCommons (<https://repository.upenn.edu/>), all thesis/dissertation content becomes part of the formal record. Only in rare situations in which there is a significant chance of harm (to readers following the dissertation's recommendations and/or to research informants/participants) will requests to amend the scholarly content of the submitted thesis/dissertation be considered. Students and committees should follow all IRB (<https://irb.upenn.edu/>) guidance and review thesis/dissertation content carefully before submission to avoid this scenario whenever possible.

Any request to amend the dissertation must be approved by the thesis/dissertation advisor (if still on the Penn faculty) and Graduate Group Chair. Once approved, the request should be submitted by the Graduate Group Chair, along with a rationale for consideration, to the Vice Provost for Education for final approval.

Two types of amendments to the scholarly content of the thesis/dissertation will be considered: (1) the removal or modification of classified, proprietary or confidential information, or (2) the addition of an errata sheet to note and correct significant errors in content. If the purpose is to remove or modify classified, proprietary or confidential information, the author should fill out the page substitution request form (<https://provost.upenn.edu/wp-content/uploads/ThesisDissertation-Page-Substitution-Request-Form.pdf>). If the purpose is to note and correct significant errors in content, the author should create an errata sheet using the errata sheet form and instructions (<https://provost.upenn.edu/wp-content/uploads/ThesisDissertation-Errata-Sheet-Form.pdf>).

Research master's and PhD alumni may petition to change their name on their thesis/dissertation. Such requests will only be considered in the case of a legal name change, and are intended to support alumni whose gender identity and/or cultural or religious affiliation has changed. Alumni wishing to make changes to the name on their thesis/dissertation must first update their data with the Office of the University Registrar before filling out the thesis/dissertation name change request (<https://provost.upenn.edu/sites/default/files/users/user125/ThesisDissertation%20Name%20Change%20Request.pdf>).

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Updated March 26, 2022

# POLICY ON CLASS MEETING TIMES

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Starting in Fall 2021, the University offers a new set of common start times for classes<sup>1</sup>:

- 8:30am
- 10:15am
- 12:00pm
- 1:45pm
- 3:30pm
- 5:15pm
- 7:00pm
- 8:30pm

This schedule allows for travel time between classes. The available teaching blocks (60-, 90-, and 180-minutes, for example) remain unchanged and the duration of class meetings remains at the discretion of the instructor, up to the scheduled class end time.

<sup>1</sup> This schedule applies only to courses offered in Course Units (CUs). Classes are generally scheduled to begin at these times; exceptions may occur. Full details are available in the Course Timetable (<https://srfs.upenn.edu/registration-catalog-calendar/rosters-timetables/>).

Revised May 2021

# **POLICY ON COMMON MIDTERM EXAMINATIONS**

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Instructors teaching a course with multiple sections who plan to schedule a common midterm examination outside the class's regular meeting time must notify students of this event during the first week of the semester and be prepared to offer one or more make-up examinations to accommodate any student who is enrolled in a course that meets at the time of the common examination.

Students enrolled in a course that conflicts with the time of a common midterm examination must notify the instructor administering the common midterm examination of the conflict by the end of the course selection (add) period. Students may not be required to miss their regularly scheduled class.

(Source: Almanac – April 20, 2010, Volume 56, No. 30 (<http://www.upenn.edu/almanac/volumes/v56/n30/provost.html>))

# **POLICY ON MILITARY LEAVE**

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If a student who has not received full academic credit for the term is called to service through enrollment in a military reserve unit, or through enlistment in the military service, the student's tuition and mandatory fees for the term shall be cancelled, provided a request, substantiated by the proper evidence, is filed with the dean of the school in which he or she is registered.

(Source: Almanac, February 23, 2003, Volume 49, No. 23) ([http://www.upenn.edu/almanac/v49/n23/military\\_policy.html](http://www.upenn.edu/almanac/v49/n23/military_policy.html))

# POLICY ON PRIVACY IN THE ELECTRONIC ENVIRONMENT

## I. Preliminary Observations

The University affirms that the mutual trust and freedom of thought and expression essential to the academic mission of a university rest on an expectation of privacy, and that the privacy of those who work, study, teach, and conduct research in a university setting will be respected. The University recognizes that as faculty, staff and students create, use and store more information in electronic form, there is growing concern that information the user or creator considers private may be more vulnerable to invasion than information stored in more traditional media. This policy is intended to highlight some general principles that should help to define the expectations of privacy of those in the University community. While no document addressing the fluid issue of technology can be exhaustive or inflexibly dictate outcomes in all circumstances, this policy attempts to articulate current practices and provide guidance, so that individuals may make informed and appropriate decisions concerning their various interactions in the electronic environment.

Before addressing these issues, it should also be noted that in carrying out their operations, various departments of the University accumulate information about members of its community, e.g., for purposes of payroll, employment or enrollment. Data are also created, though not necessarily compiled or retained on a personally identifiable basis, as an incident to the use of technology, e.g., the charging of purchases on Penn Card or the borrowing of library books. The University does not condone disclosure or release of such personal information stored or transmitted through University systems, except for legitimate University purposes as outlined in this policy.

Those responsible for maintaining the University's computers and electronic networks have an important and special responsibility to recognize when they may be dealing with sensitive or private information. They may access such information without the user's consent and without obtaining higher level approval, but only when necessary to fulfill their official responsibilities, and they are expected to carry out their duties in ways that are not unreasonably intrusive. They will be subject to disciplinary action if they misuse their access to personally identifiable data or to individuals' personal files, e-mail and voice mail or otherwise knowingly act in ways counter to University policies and applicable laws.

Finally, this policy should be understood in light of the many other University policies and laws that bear on individuals' rights to privacy and the institution's responsibilities with respect to information in its possession about individuals. Examples of applicable laws include the Family Educational Rights and Privacy Act of 1974 (the "Buckley Amendment"), the Electronic Communications Privacy Act of 1986, and medical records regulations promulgated under the Health Insurance Portability and Accountability Act of 1996. Examples of applicable University policies include the Acceptable Use Policy for the Electronic Environment, Administrative Computing Security Policy, Policy for Closed Circuit Television Monitoring and Recording of Public Areas for Safety and Security Purposes and policies on Records Confidentiality and Safeguarding University Assets.

## II. Policy on Information Created, Stored or Transmitted Through University Electronic Media

### A. In General:

The University provides computers, computer and e-mail accounts, networks and telephone systems to faculty members, staff and students for furthering the University's academic mission and conducting University business. While incidental and occasional personal use of such systems, including e-mail and voice mail, is permissible, personal communications and files transmitted over or stored on University systems are not treated differently from business communications; there can be no guarantee that such personal communications will remain private or confidential (see Appendix).

As is the case for information in non-electronic form stored in University facilities, the University's need for information will be met in most situations by simply asking the author or custodian for it. The University reserves the right, consistent with this policy, to access, review and release electronic information that is transmitted over or stored in University systems or facilities. When questions arise about such access, review or release of information, the University commits to treat electronic information no differently from non-electronic information. As with paper information, it is often the case by custom or rule that electronic files are shared and properly accessible by multiple parties in office settings. Where that is the case, the special provisions for access and notification outlined here need not be followed. In other cases, properly authorized University officials including the Vice President for Audit and Compliance and the Information Security Officer may access e-mail, voice mail or computer accounts without the consent of the assigned user when there is a reasonable basis to believe that such action

1. Is necessary to comply with legal requirements or process, or
2. May yield information necessary for the investigation of a suspected violation of law or regulations, or of a suspected serious infraction of University policy (for example alleged research misconduct, plagiarism or harassment), or
3. Is needed to maintain the integrity of University computing systems, or
4. May yield information needed to deal with an emergency, or
5. In the case of Staff, will yield information that is needed for the ordinary business of the University to proceed.

Except as may otherwise be dictated by legal requirements, individuals will be notified of access to, or disclosure of, the contents of their e-mail, voice mail or their computer accounts as soon as practicable. In cases where such notification might jeopardize an ongoing investigation of suspected wrongdoing it may be delayed until the conclusion of the investigation. The Office of General Counsel is responsible for maintaining an official record of e-mail searches performed by authorized parties.

### B. Faculty:

The University has the utmost respect for the freedom of thought and expression that are at the core of Penn's academic mission. Whenever possible, therefore, the University will resolve any doubts about the need to access a University computer or other systems in favor of a faculty member's privacy interest. Computer files, e-mail and voice mail created, stored, transmitted or received by faculty will be afforded the same level

of privacy as the contents of their offices. The Policy on Safeguarding University Assets governs access to faculty records in connection with investigations carried out by the University's Office of Audit and Compliance, and provides for prior consultation with the Provost and Faculty Senate and for notifying the subject of a search of any files or materials taken during an investigation. Except as may otherwise be dictated by legal requirements, the procedures outlined in that policy will be followed with respect to a faculty member's computer files, e-mail or voice mail in connection with other investigations or proceedings.

### **C. Staff:**

It is generally not University policy to access staff members' electronically stored information. As noted above, the University's need for information will normally be met by asking an employee for it. Properly authorized University officials, including supervisors acting with the consent of their management, may, however, access, review and release the contents of staff computer files, e-mail or voice mail transmitted over or stored on University systems when, for example, an employee is absent or has left the University and the information is not available elsewhere, or in other situations in which it is necessary if the ordinary business of the University is to proceed. In more complicated situations—where, for example, a supervisor believes University resources are being misused—he or she should consult with senior administrators, the Division of Human Resources, or the Office of General Counsel.

### **D. Students:**

Students are provided e-mail and computer accounts for use primarily in connection with their academic activities. While the University does not generally monitor or access the contents of a student's e-mail or computer accounts, it reserves the right to do so. However, access to and disclosure of a student's e-mail messages and the contents of his or her computer accounts may only be authorized by any one of the Dean of the student's School or his/her designate, the Vice Provost for University Life, or the Office of Audit and Compliance, in consultation with the Office of General Counsel.

### **E. Multiple Affiliation:**

Some individuals have multiple University affiliations (e.g. students employed by the University). When the need for access to information arises from a particular status, the provisions above for that status will be applied. In other cases, the provisions for the individual's primary status will be applied.

## **III. Violations of this Policy**

Members of the University community who believe that this policy has been violated with respect to their privacy should attempt initially to resolve the issue within their unit or department, if necessary with the mediation of the leadership of their representative assembly or the University Ombudsman. Others who become aware of violations of this policy should report them to the University Information Security Officer, Office of General Counsel, Division of Human Resources or the Office of Audit and Compliance. All University offices that substantiate such violations should report them to the University Information Security Officer, who will monitor them for repeat instances and patterns. Those who violate this policy may be subject to disciplinary procedures up to and including dismissal.

## **Appendix: Special Note on E-mail Privacy**

Despite the best intentions of users and the University or other system operators, it is difficult, if not impossible, to assure the privacy of e-mail.

E-mail is not a good medium to use for sensitive matters that you would not want disclosed. There are numerous ways that plain text e-mail may be disclosed to persons other than the addressee, including:

- Recipient's address is mistyped; message is sent to someone else.
- Recipient forwards e-mail to someone else.
- Intruders break into e-mail system and read/disclose messages.
- Despite owner's belief that s/he deleted it, e-mail continues to exist on computer hard drive or a copy is archived on tape backup; disclosure of such copies may be required in connection with judicial or administrative proceedings or government investigations.
- E-mail is observed as it travels over public networks like PennNet and the Internet.
- In addition, e-mail users may want to consider routinely or periodically deleting old messages, and encrypting personal messages. Systems administrators should consider shorter retention of backup tapes, consistent with data integrity requirements.

(Source: Almanac, September 19, 2000 (<http://www.upenn.edu/almanac/v47/n04/OR-epivacy.html>))

# POLICY ON SECULAR AND RELIGIOUS HOLIDAYS

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1. The University recognizes/observes the following secular holidays:

Martin Luther King, Jr. Day, Memorial Day, Juneteenth, July 4, Thanksgiving and the day after, Labor Day, and New Year's Day.

2. The University also recognizes that there are several secular and religious holidays that affect large numbers of University community members, including Christmas, Rosh Hashanah, Yom Kippur, Election Day in November, the first two days of Passover, and Good Friday. In consideration of their significance for many students, no examinations may be given and no assigned work may be required on these days. Students who observe these holidays will be given an opportunity to make up missed work in both laboratories and lecture courses. If an examination is given on the first class day after one of these holidays, it must not cover material introduced in class on that holiday.

Faculty should realize that Jewish holidays begin at sundown on the evening before the published date of the holiday. Late afternoon exams should be avoided on these days. Also, no examinations may be held on Saturdays or Sundays in the undergraduate schools unless they are also available on other days. Nor should seminars or other regular classes be scheduled on Saturdays or Sundays unless they are also available at other times.

Additionally, no examinations may be given or assignments due on the days of Fall Break, Thanksgiving Break, Winter Break, or Spring Break for programs that follow the main University Academic Calendar, with the exception of clinicals, global experiences, and approved academic experiences.

3. The University recognizes that there are other holidays, both religious and secular, which are of importance to some individuals and groups on campus. Such occasions include, but are not limited to, Sukkot, the last two days of Passover, Shavuot, Shemini Atzeret and Simchat Torah, Lunar New Year, the Muslim New Year, Diwali, Navaratri, Rama Navami, Paryushan, and the Islamic holidays Eid Al-Fitr and Eid Al-Adha. Students who wish to observe such holidays must inform their instructors within the first two weeks of each semester of their intent to observe the holiday even when the exact date of the holiday will not be known until later so that alternative arrangements convenient to both students and faculty can be made at the earliest opportunity. Students who make such arrangements will not be required to attend classes or take examinations on the designated days, and faculty must provide reasonable opportunities for such students to make up missed work and examinations. For this reason it is desirable that faculty inform students of all examination dates at the start of each semester. Exceptions to the requirement of a make-up examination must be approved in advance by the undergraduate dean of the school in which the course is offered.

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Updated May 23, 2023

(Source: Almanac, May 23, 2023, Volume 69, No. 35) (<https://almanac.upenn.edu/volume-69-number-35/>)

# POLICY ON UNDERGRADUATE STUDENTS, HIGH SCHOOL STUDENTS AND NON-AFFILIATES PARTICIPATING IN RESEARCH IN PENN RESEARCH FACILITIES

For the purpose of this policy, non-affiliates are individuals who are *not* University of Pennsylvania faculty, staff, graduate students or post-doctoral trainees. The Principal Investigator is responsible for assuring that all students and non-affiliates working in his/her laboratory are appropriately trained, supervised and comply with the requirements of this policy. At a minimum this training must include Profiler and all training determined by Profiler such as EHRS, HIPAA, IACUC, etc.

- *Students who are not yet in High School are not permitted to participate in laboratory activities.*
- *Non-affiliates may not serve in laboratories as unpaid volunteers or trainees without University approval.*

This policy applies to the three categories listed below.

**A. High School Students (HSS):** HSS are permitted to participate in laboratories at Penn provided that all of the following conditions are met and none of the prohibitions set forth in item (7) are violated.

1. All programs for HSS must comply with the requirements described in the Vice Provost for University Life current year's "Special Summer Programs Protocols."
2. Each HSS must have a Principal Investigator or Sponsor who agrees to supervise and be responsible for the HSS while the student is present in the laboratory. The HSS must be appropriately supervised at all times when in the laboratory.
3. HSS may not be employed in laboratories nor perform the duties and responsibilities of an employee. (HSS participating as trainees in officially sanctioned and approved programs may receive a stipend in connection with the program.)
4. A Consent/Signature sheet must be submitted to the Principal Investigator/Sponsor with signatures from the HSS and his/her parents.
5. The Principal Investigator/Sponsor must provide the HSS with hazard specific information and appropriate personal protective equipment and instruct the student in its use and disposal.
6. Each HSS must attend Laboratory Safety training provided by EHRS before the laboratory activity begins. If a student is working in a lab where radioactive materials are used, Radiation Safety Training is also required.
7. HSS are not permitted to participate in the following activities in laboratories:
  - i. Any laboratory or facility designated as BSL-3
  - ii. Any laboratory or facility in which Select Agents or Explosives (as defined in OSHA Hazard Communication Standard Appendix B) are used or stored.
  - iii. Work with acutely toxic substances or reproductive hazards (as defined in OSHA Hazard Communication Standard Appendix A).

- iv. Operate farm machinery
  - v. Work in machine shops
8. HSS are permitted to participate in the following activities only after completing specialized training:
    - i. Work with recombinant or synthetic DNA (EHRS r-s-DNA online training)
    - ii. Limited work with radioactive materials is permitted. Work must be performed under the supervision and in the physical presence of a trained radiation worker. Only H-3, C-13, P-32 and S-35 in amounts less than 100 uCi may be used.
    - iii. HSS who will work with live animals must be associated with a specific ARIES animal research protocol, have their qualifications or training described and the specific procedures that they will be performing/assisting identified. Prior to working with animals, HSS must complete all necessary IACUC-related training associated with the HSS' role on the protocol.
    - iv. HSS who will work with non-human primates or tissue/body fluids from non-human primate must complete specialized IACUC-related training in addition to standard training for other species.

**B. Undergraduates (UG):** UG from Penn or from other institutions are permitted to participate in laboratories at Penn provided that all of the following conditions are met and none of the prohibitions set forth in item (4) are violated.

1. Each UG must have a Principal Investigator/Sponsor who agrees to supervise and be responsible for the UG while the student is present in the laboratory.
2. The Principal Investigator/Sponsor must provide the UG with hazard specific information and appropriate personal protective equipment and instruct the student in its use and disposal.
3. Each UG must attend Laboratory Safety training provided by EHRS before the laboratory activity begins. If a student is working in a lab where radioactive materials are used, Radiation Safety Training is also required.
4. UGs are not permitted to participate in the following activities in laboratories:
  - i. Any laboratory or facility designated as BSL-3
  - ii. Any laboratory or facility in which Select Agents or Explosives (as defined in OSHA Hazard Communication Standard Appendix B) are used or stored.
5. UGs are permitted to participate in the following activities in laboratories after completing specialized training:
  - i. Work with recombinant DNA
  - ii. Operate farm machinery
  - iii. Work in machine shops
  - iv. Work with radioactive material if over age 18. Undergraduate students under the age of 18 must follow the same restrictions as High School Students for this component.
6. UGs who will work with live animals must be associated with a specific ARIES animal research protocol, have their qualifications or training described and the specific procedures that they will be performing/assisting identified. Prior to working with animals, UGs must complete all necessary IACUC-related training associated with the UGs' role on the protocol.
7. UGs who will work with non-human primates or tissue/body fluids from non-human primate must complete specialized IACUC-related training in addition to standard training for other species.

**C. Non-Affiliates (NA) with undergraduate degrees:** Post graduates including visiting scholars and trainees (not Penn faculty, staff or students)

1. NA must have a Principal Investigator/Sponsor who agrees to supervise the NA while he/she is present in the laboratory.
2. The Principal Investigator/Sponsor must provide the NA with hazard specific information and appropriate personal protective equipment and instruct the NA in its use and disposal.
3. Each NA must affirm that he/she completed a Laboratory Safety course at his/her home institution or complete relevant Laboratory Safety training offered by EHRS before the laboratory activity begins.
4. A NA is permitted to participate in the following activities after completing specialized training:
  - i. A laboratory or facility designated as BSL-3 or ABSL-3
  - ii. A laboratory or facility in which Select Agents (DHHS Security Risk Assessment Approval required) or Explosives are used or stored.
  - iii. Work with recombinant DNA
  - iv. Work with radioactive materials
  - v. Operate farm machinery
  - vi. Work in machine shops.
5. NAs who will work with live animals must be associated with a specific ARIES animal research protocol, have their qualifications or training described and the specific procedures that they will be performing/assisting identified. Prior to working with animals, NAs must complete all necessary IACUC-related training associated with the NAs' role on the protocol.
6. Work with non-human primates or tissues/body fluids from non-human primates requires specialized IACUC-related training in addition to standard training for other species.

(Source: Almanac, April 22, 2014, Volume 60, No. 31 (<http://www.upenn.edu/almanac/volumes/v60/n31/ofrecord.html>))

# POLICY ON UNIVERSITY DRIVERS AND MANDATORY SAFETY TRAINING

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Effective immediately, the Offices of Risk Management and Fire and Occupational Safety have instituted a mandatory drivers' safety program for all University staff, faculty, and students who are assigned by a division or department to operate a vehicle loaned to, leased or owned by the University or University-related business. Departments and divisions will be given a reasonable opportunity to schedule such drivers to attend a basic drivers' safety program sponsored by our offices and conducted by a National Transportation Safety expert. Thereafter, any department or division which sustains collision damage to a vehicle operated by a driver who has not attended this program will incur a 100% deductible for replacement of or repairs to the vehicle.

Programs will be offered throughout the summer and fall in a central location on campus and at various times to accommodate our staff, faculty, and student drivers. The program is four hours long and includes a lecture, a film, and demonstration on safe vehicle operation and maintenance and on accident management. Materials will be provided to attendees, including a Pennsylvania Driver's Manual and vehicle accident kit. Following the program, attendees will receive a certificate of attendance which will be delivered to their supervisor or department head. The cost for the presentation and materials are borne by Risk Management and Safety Offices.

It is the responsibility of departmental and division supervisors to ensure compliance with this program. All scheduling should be conducted by the supervisors who must account for attendance to the program in the event of a vehicle accident for which a claim for reimbursement is made to the Office of Risk Management. This policy does not relieve a department or division from the responsibility for reporting all incidents involving University vehicles and the property or vehicles of others, regardless of the status of the drivers. The Office of Risk Management must receive an incident report with verification of all drivers and witnesses, as well as copies of police reports. The failure to report all such incidents may result in the loss of insurance coverage, including liability protection, to the University and its representatives.

Questions regarding this policy should be addressed to Risk Management Ext 8-6235. Please also read Safety Bulletin #32 regarding motor vehicle operation, available by calling Ext 8-6921, and address any questions concerning this bulletin to that office.

(Source: Almanac, September 22, 1992 (<https://almanac.upenn.edu/archive/v39pdf/n04/092292.pdf>))

# **POLICY ON UNIVERSITY RECOGNITION OF UNDERGRADUATE HONOR SOCIETIES**

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The University through its faculty in schools and academic departments alone reserves the right to bestow academic honors on its undergraduate students and to report such honors on students' transcripts. Academic honors of various types are established and awarded by the relevant faculty body. The relevant body depends on the nature of the honor.

- In the case of honors for which students in a particular major are uniquely eligible, the authorizing body is the academic department or interdisciplinary program committee responsible for that major.
- In the case of honors for which students in a particular school are uniquely eligible, the authorizing body is the faculty of that school.
- In the case of honors for which all undergraduates are eligible, the authorizing body is the Council of Undergraduate Deans acting with the consent of the faculties of the separate undergraduate schools.

## **Release of Student Academic Status Information for Honor Society Selection**

Student academic status information (eg. GPA, term standing, class rank/percent) may be released only in accordance with the University's Policy On Confidentiality Of Student Records, particularly regarding designated directory information.

Student academic status information is not to be released to honor societies for recruiting purposes. This includes cohort information such as "names of students with a 3.2 or higher GPA." Student academic status information may be utilized internally for selection purposes by Schools, Centers, or other University departments under the auspices of an officially designated selection committee and following the University's Policy On Confidentiality Of Student Records.

# POLICY REGARDING HUMAN SUBJECT RESEARCH IN THE SOCIOBEHAVIORAL SCIENCES

## Scope

This policy is applicable to all employees, students, trainees, faculty, and other persons working for or in facilities owned and operated by the University of Pennsylvania and conducting sociobehavioral research. This policy is meant to apply University-wide to all research involving human subject data, and inclusive of biomedical research protocols applying sociobehavioral techniques (e.g., survey research). Depending on the type of research, other policies (e.g., those pertaining to biomedical research) may apply as well. Relevance is determined by the involvement of living human subjects in observational or experimental research, or in the use of records or specimens that may conceivably place the subjects of these records at risk, as per the Common Rule.<sup>1</sup>

The term “sociobehavioral sciences” (or the term “social and behavioral sciences”) must be understood as a shorthand term for the set of inquiries involving human subjects not otherwise subsumed under the biomedical sciences. It includes fields of research specifically defined as behavioral and social sciences in federal manpower reports,<sup>2</sup> that is, “anthropology, demography, the non-clinical fields of psychology, sociology, and the speech and hearing sciences.” It also includes human subject research in economics, business, education, and history, among others (see the Common Rule<sup>1</sup>). Thus, the proposed policy applies to all sociobehavioral research irrespective of its institutional setting within the University or its source of funding. Note that disciplinary predilections—for example, rejection of the rubric “science”—are insufficient warrant for self-abstention from the policy promulgated here.

## Regulatory Background

In the context of Institutional Review Board (IRB) oversight of human subject research, the Common Rule specifies three levels of review of proposed research,<sup>1</sup> which can be summarized as follows:

1. *full board review*—a convened IRB committee must approve the proposed research, applying criteria set forth in the Common Rule, before the research can be conducted;
2. *expedited review*—certain kinds of research involving no more than minimal risk, as well as minor changes in approved research, can be approved by an administrative mechanism not requiring a convened IRB committee;
3. *exempt from review*—minimal risk research activities in a number of specified categories,<sup>3</sup> involving human subjects not from vulnerable populations,<sup>4</sup> are exempt from full review as per the Common Rule.

These three levels of review require submission of a research protocol to the IRB. Specific submission requirements for each category can be found at the IRB website.<sup>5</sup>

At the University of Pennsylvania, “expedited review” is typically performed by Office of Regulatory Affairs personnel. The University is also required to have a mechanism in place for determining whether a proposed research protocol is “exempt from review.” As per the federal-wide assurance (FWA) that the University has in place, this determination is made by an administrative mechanism<sup>6</sup> similar to that for “expedited review.” In addition, there are certain kinds of research not covered by the

Common Rule. Such research does not require any involvement of the IRB, even at the level of “exempt from review.”

This policy clarifies that specific activities in the social behavioral sciences do not require IRB involvement. As a category distinct from “exempt from review,” it is referred to as “*not under the purview of the IRB.*”

## Implementation

Implementation of the policy outlined below will be the responsibility of the Office of the Vice Provost for Research. In consultation with the Schools and their faculty, the Vice Provost will create a training program, and a certification process documenting successful completion of the training program. Any sociobehavioral research activities involving human subjects or human subject data will require prior official certification once this policy becomes effective.

## Policy

### Education and Certification

This policy extends to the sociobehavioral sciences a requirement currently in place in the School of Medicine that has been enforced outside of the School of Medicine only for key personnel submitting grants to federal agencies. The requirement now becomes University-wide, covers sociobehavioral research, and is not restricted to federal grant activity.

*1. All personnel—faculty, research fellows, students and staff—engaging in sociobehavioral research must have documented discipline-appropriate education regarding human subject protection, in accordance with certification standards defined by the Vice Provost for Research.*

The training program and certification process are to be kept current under the auspices of the Vice Provost for Research and in consultation with the Schools and their faculty.

### Survey Research

Survey research, which includes face-to-face or telephone interviewing, or self-administered questionnaires (as through the mail or via the Internet), generally has a low cost of participation, since it usually requires only a small amount of subjects’ time. According to the Common Rule,<sup>6</sup> such research is “exempt from review” and does not require written consent, as clarified below.

*2a. Survey research is exempt from review if the survey is anonymous or protection of the confidentiality of research subjects is adequately demonstrated,<sup>7</sup> and if all other applicable criteria for exempt from review are fulfilled (e.g., research must not involve vulnerable populations<sup>8</sup> or put subjects at more than minimal risk).*

*2b. For research that is exempt from IRB review, human subjects responding to a survey are automatically considered to have given informed consent.*

In order to qualify for a default waiver of written consent as per policy item 2b, an exemption form<sup>5</sup> must be presented to the IRB showing that:

- i) human subjects will be informed of all applicable elements of consent prior to responding to the survey; and
- ii) all criteria for “exempt from review” are fulfilled.

### Secondary Data Analysis

Secondary data analysis is the (usually statistical) investigation of individual-level data records collected in another study, with the following

characteristics: (1) no direct contact with or experimental manipulation of human subjects; (2) no new data collection; and (3) no identification of individual research subjects. In agreement with recommendations 1 and 6 of the Draft Recommendations Regarding Public Use Data Files<sup>9</sup> issued by the National Human Research Protections Advisory Committee (NHRPAC), this policy states that such research may either be “exempt from review” or “not under the purview of the IRB,” as clarified below.

*3a. Research on a public-use data file, which contains only non-identifiable data or data for which a breach of confidentiality is not an issue (e.g., public business statements), is not considered human subject research for the purpose of IRB review and as such is not under the purview of the IRB.*

*3b. Research on a non-public-use data file—that is, non-identifiable data in a non-publicly available or proprietary file—is exempt from review, unless vulnerable populations are involved. Non public use data files may be submitted by a School to the IRB for approval. If approved, with the appropriate maintenance of safeguards, studies using these data sets are no longer human subject research and as such are not under the purview of the IRB.*

Investigators must agree not to attempt to re-identify the human subjects.

Investigators planning to study non-public-use data files must demonstrate to the IRB that confidentiality of research subjects is protected, by providing direct evidence of protection procedures or by showing that the data supplier already received IRB approval in which non-identifiability was considered and confirmed. The latter does not necessarily require submitting to the IRB the survey instrument or consent form used in the research that yielded the data.

Researchers operating in one of the categories of the Health Insurance Portability and Accountability Act (HIPAA) should refer to the HIPAA regulations that contain a definition of identifiability.<sup>10</sup>

## Evolving Research

Evolving research is a class of research in the sociobehavioral sciences in which the questions that are posed evolve in the course of investigation. An example is ethnography, where research questions may only be clarified after a period of observation and where current findings drive the next steps in the study. This class of research typically involves studying human behavior in non experimental settings, with or without active participation by the investigator; but it can also occur in more structured observational settings (e.g., oral histories, focus groups). In specific cases, such research does not pose more than minimal risk to human subjects and is considered to be “exempt from review,” as stated below. An approved mechanism is necessary for presenting to the IRB a research protocol that will evolve in the course of investigation. This policy institutes such a mechanism via certification.

*4a. Research involving only non-interventionist observation of behavior occurring in public (including domains of the Internet clearly intended to be publicly accessible), for which no identifying information is recorded, is exempt from review.*

*4b. Investigators are allowed to use their certification, as per policy item 1, as a reference for describing evolving research activities to the IRB in lieu of a fixed research protocol.*

This policy eliminates the need for investigators doing evolving research to spell out the details of a dynamic research protocol. The IRB can be assured that the research will be conducted in an ethically appropriate fashion, with full protection of human subjects, when

certified investigators attest that their pre-registered research plan will be conducted within the ethical framework laid out in the training program for which they are certified.

Note that different studies by the same investigator(s) must be submitted to the IRB as separate research protocols. These must not be viewed as a single study evolving from one investigation into another.

## Feasibility Assessment

Feasibility assessment (or exploratory research) is understood to involve the conceptualization or refinement of a research question through harmless observation, casual conversation, and browsing of extant data. The Common Rule applies only to generalizable research.<sup>1</sup> Therefore, feasibility assessment is “not under the purview of the IRB” if a number of strict conditions are met, as specified below.

*5. Feasibility assessment is not under the purview of the IRB, if and only if the following conditions are met:*

*(a) the assessment involves no more than minimal risk;*

*(b) the assessment does not involve any vulnerable populations, including prisoners, minors, pregnant women and fetuses, mentally impaired or disabled persons, terminally ill patients, the very elderly, and anyone incapable of self-determination;*

*(c) the human subjects are not identifiable from any of the information acquired;*

*(d) the assessment does not involve any deceptions;*

*(e) the assessment data and results are not disclosed or published;*

*(f) there is no systematic collection of data, or any systematic data collection serves only to calibrate a research instrument that involves no more than minimal risk.*

If at any time any of these conditions cannot be satisfied, the project must be submitted to the IRB for review.

## Adverse Effects

This policy prescribes the documentation of possible negative effects on human research subjects and how they can be reversed.

*6. For research involving manipulations or deceptions of human subjects that may cause harmful or undesirable effects, research protocols submitted to the IRB must specifically describe the recovery or debriefing procedures of the study, and address how the effectiveness of these procedures will be assessed.*

When a research study may have foreseeable untoward effects on human subjects, the investigator must explain in the research protocol how these effects will be mitigated.

The IRB must be informed of the occurrence of any adverse events that take place during the research study or as a result of the research study. For research protocols that are reviewed by the IRB in one of the three review categories (full board review, expedited review, or exempt from review), adverse events must be reported for the annual continuing review. Research protocols “not under the purview of the IRB” require reporting of any adverse events within a month of occurrence, as such events may change the review status of the study. Unanticipated events or effects on human subjects that may change the interpretation of

the risk of the protocol must be reported to the IRB as soon as they are identified.

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<sup>1</sup> <http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm>

<sup>2</sup> <http://books.nap.edu/books/0309069815/html/31.html>

<sup>3</sup> Briefly, these include research conducted in established or commonly accepted educational settings involving normal educational practices; certain research involving the use of educational tests; certain research on elected or appointed public officials or candidates for public office; research involving the collection or study of publicly available or non-identifiable existing data; certain research on public benefit or service programs; and certain taste and food quality evaluation and consumer acceptance studies.

<sup>4</sup> According to the Common Rule, vulnerable populations include minors, prisoners, pregnant women, mentally disabled persons, and economically or educationally disadvantaged persons. Other categories of human subjects may be considered vulnerable depending on the research activities.

<sup>5</sup> <https://irb.upenn.edu/sites/default/files/How%20to%20Submit%20Initial-11.13.17.pdf>

<sup>6</sup> <http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm#46.116> (<http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm#46116>)

<sup>7</sup> Demonstrating adequate protection of the confidentiality of research subjects does not necessarily imply a requirement to submit the survey instrument to the IRB.

<sup>8</sup> For survey research, pregnant women are not considered a vulnerable population.

<sup>9</sup> <http://www2.asanet.org/footnotes/feb02/indexone.html>

<sup>10</sup> <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html> (<https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/>)

(Source: Almanac, October 3, 2006, Volume 53, No. 6) (<https://almanac.upenn.edu/archive/volumes/v53/n06/or-hsresearch.html>)

# POLITICAL CANDIDATES

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University students are frequently involved in political events and activities on behalf of candidates for political office. Students are, of course, free to sponsor or participate in campaign-related activities as long as they do not use University resources. When engaging in partisan political activities, students should not imply that the University itself endorses or opposes any candidate for political office.

The following rules apply to student groups.

1. No group, whether recognized or not, that plans to campaign for a particular candidate can receive an allocation from the Student Activities budget.
2. Facilities that customarily are made available to student groups may, on a very limited basis, be used by student groups supporting candidates if such use does not preempt the use of facilities by nonpolitical groups. Fees normally charged for use of facilities must be paid in advance. Under no circumstances may groups supporting candidates use University space to establish a campaign headquarters nor can such groups be assigned permanent office space.
3. No group that supports a candidate for public office may sponsor events in University facilities to raise money for the candidate's campaign. Advance ticket sales or admissions charges at the door for campaign fund raising are not permitted.

# POSTER POLICY

## Posting Notices in Outdoor Areas

1. Groups should restrict posters to kiosks.
2. Each activity will be limited to two posters per kiosk per event.
3. No poster or notice may be larger than 14" x 17".
4. All activities found in violation of these policies will pay a fine of at least \$1.00 per poster.
5. Mounting of posters or use of paint on walls, sidewalks, trees, benches, or other surfaces not intended for posting is prohibited. Posting of notices with adhesives which damage surfaces also is prohibited. The cost of removal of this type of publicity will automatically be charged to the group and/or individuals who posted said publicity.

## Posting Notices in Indoor Areas

1. Posters may only be placed in those areas designated for posting.
2. Groups wishing to mount posters in University buildings should contact the appropriate building administrator's office to ascertain the proper locations for posters.

## Sanctions

Groups failing to adhere to the poster policy may be denied use of funds allocated to them by the Activities Council and/or be denied further use of University facilities until such time as corrective action is taken and payment for damages, if any, is received.

All fines will go into the budget of the Student Activities Council.

## Policy for Locust Walk Banners

Any registered organization may reserve one of 16 locations and sets of poles for banner display along Locust Walk between 36th & 37th Streets.

Reservations may be made via the online reservation portal (<http://www.vpul.upenn.edu/osa/LocustBannerTable/>). Poles and locations may be reserved for a maximum of one week after which the reservation must be made again for the next week.

**Reserved poles may be picked up in the OSA, as early as 9:00am on the first day of a reservation (a group must have received an APPROVED reservation email from the OSA in order to have a confirmed reservation).**

At the time the poles are picked up, a cash deposit of \$25.00 must be made. This deposit will be returned to the reserving group when the poles are returned to the OSA at the end of the reservation period.

FAILURE TO RETURN RESERVED POLES BY THE END OF THE RESERVATION PERIOD (FRIDAY AFTERNOON AT 4:00 PM OF THE WEEK FOR WHICH THE RESERVATION WAS MADE), RETURN OF DAMAGED POLES, AND/OR FAILURE TO RETURN POLES BECAUSE THEY WERE LOST OR STOLEN WILL RESULT IN FORFEITURE OF THE \$25.00 SECURITY DEPOSIT AND AN AUTOMATIC \$100 FINE TAKEN FROM THE ORGANIZATION'S UNIVERSITY ACCOUNT. Poles still need to be returned even if the deposit is forfeited.

Any poles found in sleeves that have not been reserved ahead of time, or for which there is no deposit on record, will be removed. The deposit will not be returned.

If a group fails to return its poles ONCE in one year, it forfeits all rights to use the poles for four academic months from the day the poles were due.

Poles and the spaces in which to place them are the only things obtainable through the OSA. Neither twine, string, rope, tape, scissors, ladders nor any other materials will be provided. Such items must be provided by the reserving groups.

Facilities Services personnel have been authorized to remove any banners hung in unauthorized locations, i.e. any location unmarked on the schematic diagram mentioned previously in this document and/or the absence of the use of University provided poles.

Failure to abide by any of the guidelines listed in this policy may result in the loss of a group's permission to reserve poles and locations on Locust Walk for the balance of the academic year.

## Office of College Houses and Academic Services Postering and Flying Policies

For reasons of sustainability and effectiveness, the College Houses have transitioned primarily to digital communication instead of paper flyers. If you have a digital item you would like to distribute, email [chas@collegehouses.upenn.edu](mailto:chas@collegehouses.upenn.edu) and attach a copy; approved items will be conveyed to the Houses for inclusion in their weekly newsletters (generally sent on Mondays or Tuesdays.)

The remainder of this policy covers physical posting within the Penn College Houses. Posting elsewhere in the University is covered by the University Poster Policy. Posting on floors or in lobbies requires the approval of each House Office (<https://www.collegehouses.upenn.edu/contact/>). Postings and notices in these areas are reserved for the College House, CHAS, Residential Services and Facilities. Any exceptions to this may only be granted by College House staff.

**Open posting by students and groups is available only in certain locations and on designated public boards:**

- **Du Bois:** upper lobby bulletin board
- **Kings Court English:** boards facing mailboxes on first floor; board near bike rack; boards on ground floors facing elevators
- **High Rises (Harnwell, Harrison, and Rodin):** residential floors including roof top lounge on the designated side of the elevator bays
- **Lauder:** Dining center bulletin board
- **Quad (Fisher Hassenfeld, Riepe and Ware):** all exterior (courtyard) bulletin boards  
*There is no open posting at this time in Gregory, Gutmann, Hill, and Stouffer College Houses.*

**Public Posting Guidelines:**

- **Leafleting on or under doors and soliciting are prohibited within all residences.**
- No more than one or two copies of a poster may be placed on an open board and should be promptly removed when information is outdated.
- Posters should not exceed the size of 11 x 17 inches.
- Posters may not be placed on top of existing posters.
- Posters must clearly identify the organization or event sponsor.
- Posting is not allowed in stairwells and elevators.

- Do not attach to walls in any way that causes damage to the paint or surface.

*\* **Think before you post.** College Houses defend the right of free speech and expression on campus and actively promotes the civil exchange of ideas. In the spirit of the latter aim, students are urged to reconsider creating and distributing posters or flyers containing material or language that could be construed as malicious toward or dangerous to other responsible members of the University community.*

*\*\* **Unauthorized posters may, at the discretion of residential staff, be removed.** In all cases, the above policy will be implemented within the framework and spirit of the Code of Student Conduct, which defines the general rights and responsibilities of student citizenship in the Penn community, and where appropriate, the Charter of the University of Pennsylvania Student Disciplinary System, which sets forth the processes for disciplinary action against students and organizations. Pursuant to the Code of Student Conduct (Sec. III.d), "the content of student speech or expression is not by itself a basis for disciplinary action," and no posters shall be prohibited or restricted solely on the basis of their content, except when they may violate other applicable laws or regulations.*

(Source: College Houses & Academic Services (<https://www.collegehouses.upenn.edu/policies/solicitation/>), Office of Student Affairs Manual (<http://www.vpul.upenn.edu/osa/manual/banner/>))

(updated October 2024)

# PROCEDURES REGARDING MISCONDUCT IN RESEARCH FOR NONFACULTY MEMBERS OF THE RESEARCH COMMUNITY

## Introduction

The University relies on all members of its research community to establish and maintain the highest standards of ethical practice in academic work, including research. Misconduct in research is prohibited and represents a serious breach of both the rules of the University and the customs of scholarly communities.

The following procedures are applicable to non-faculty members of the University of Pennsylvania research community including students, postdoctoral fellows, and staff.

## Research Misconduct Defined

Research misconduct is defined as fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, performing, or reviewing research, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Plagiarism is the appropriation of another person's ideas, processes, or results, or works without giving appropriate credit.
- Serious deviation from accepted practices includes but is not limited to stealing, destroying, or damaging the research property of others with the intent to alter the research record; and directing or encouraging others to engage in fabrication, falsification or plagiarism. As defined here, it is limited to activity related to the proposing, performing, or reviewing of research, or in the reporting of research results and does not include misconduct that occurs in the research setting but that does not affect the integrity of the research record, such as misallocation of funds, sexual harassment, and discrimination, which are covered by other University policies.

The research record is the record of data or results that embody the facts resulting from scientific inquiry, and includes, but is not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, and journal articles.

Some forms of misconduct, such as failure to adhere to requirements for the protection of human subjects or to ensure the welfare of laboratory animals, are governed by specific federal regulations and are subject to the oversight of established University committees. However, violations involving failure to meet these requirements may also be covered under this policy or possibly by other University policies when so determined by the responsible committees or institutional officials.

Research misconduct does not include honest error or differences of opinion.

## Findings of Research Misconduct

A finding of research misconduct requires that:

- There be a significant departure from accepted practices of the relevant research community; and
- The misconduct be committed intentionally, or knowingly, or recklessly; and
- The allegation be proven by a preponderance of evidence.

## Jurisdiction and Applicable Process

There are a number of University policies and procedures for responding to allegations of misconduct by students, postdoctoral fellows, or staff. This policy is intended to be invoked only in instances where research misconduct (i.e. activity related to the proposing, performing, or reviewing of research, or in the reporting of research results and which therefore may have an impact on the integrity of the research record) is involved. Questions of jurisdiction and the applicability of the appropriate University procedure will be decided by the responsible administrative entity (such as the Office for Student Conduct, Office for Postdoctoral Programs, or the Office of Human Resources), in consultation with the Vice Provost for Research. Allegations of misconduct not involving the research process or the integrity of the research record will be resolved by the disciplinary process ordinarily applicable.

### 1. Inquiry

1.1 Allegations of research misconduct should be directed in the first instance to the Vice Provost for Research who, along with the responsible administrative entity, will determine jurisdiction and which process is applicable to resolve the allegation. If the Vice Provost determines that this process is properly invoked, the Vice Provost will forward the complaint—which must be in writing—to the Dean of the School where the research is being performed

1.2 Upon receipt of a properly documented complaint, the Dean will inform the respondent of the nature of the charges, and will provide the respondent with a copy of these procedures. The Dean will also take steps to secure relevant documents, data and other materials

The Dean will appoint one or more unbiased, impartial individuals with appropriate expertise who will conduct a preliminary inquiry to determine whether a full investigation is warranted.

1.3 The inquiry committee will gather information and determine whether there is sufficient, credible basis to warrant a formal investigation. The committee shall offer the respondent an opportunity to provide them with relevant information regarding the allegations. The committee will submit a written report of its assessment to the Dean and the respondent, and to the complainant where appropriate. The report should state what evidence was reviewed, summarize relevant interviews, and include the committee's recommendation. This report will ordinarily be submitted within 30 calendar days of receipt of the written complaint by the Dean.

1.4 If the report of the inquiry committee determines that a formal investigation is not warranted, the Dean may (i) drop the matter, or (ii) not initiate a formal investigation, but take such other action as the circumstances warrant, or (iii), in extraordinary circumstances, nonetheless initiate a formal investigation. The Dean will inform the concerned parties of the decision.

1.5 If the inquiry committee determines that a formal investigation is warranted, the Dean will initiate a formal investigation as provided in Section 2. The Provost (Vice Provost/designee) will inform the appropriate government agency or source funding the research, in writing, that a formal investigation has been initiated and will identify the respondent to the agency or source (1).

## 2. Formal Investigation

2.1 To initiate a formal investigation, the Dean will appoint a formal investigation committee of not less than two disinterested individuals with sufficient expertise, one or more of whom may have served on the preliminary inquiry committee.

2.2 Investigation. The formal investigation committee will be provided with copies of the complaint, the report of the initial inquiry and any other materials acquired during the preliminary inquiry. The formal investigation committee will undertake a thorough examination of the allegations, including, without limitation, a review of relevant research data and proposals, publications, correspondence, and records of communication in any form. Experts within or outside the University may be consulted. The Committee shall have authority to investigate, pursue and document any related research misconduct by the respondent, even if such misconduct was not covered by the initial complaint. Whenever possible, interviews will be conducted with the complainant, as well as with others having information regarding the allegations. The Committee must allow the respondent an opportunity to be interviewed at this formal investigation stage. When being interviewed by the committee the respondent and the complainant may each be accompanied by an adviser, who may be a lawyer but who may not participate directly in the proceedings except when and as requested to do so by the committee.

2.3 Reporting the findings. Following its investigation, the formal investigation committee will prepare and provide a written report of its findings to the respondent, to the Dean, to the Provost, and, if appropriate, to the complainant. The report will describe the allegations investigated, how and from whom information was obtained, the findings and basis of the findings, and will include texts or summaries of the interviews conducted by the committee. The report will conclude with a clear statement regarding which charges have been considered and what its findings are with respect to each charge the committee considered. If the committee finds that a violation of University policy in addition to or other than research misconduct might have been committed, a description of the possible violation will be included.

The committee will indicate whether each charge considered during the course of its proceedings is unsubstantiated or substantiated by a preponderance of evidence. If the matter involves a respondent who would be subject to University sanctions for misconduct only if the evidence met a clear and convincing standard, the Committee will make an additional determination as to whether that standard has also been met (2).

The final report will ordinarily be submitted within 90 days of the appointment of the formal investigation committee. The respondent will be permitted to make a written reply to the Dean with a copy to the Provost, and Vice Provost for Research, within 15 calendar days of submission of the report. The Dean may ask the committee to respond in writing to any replies from the respondent. The Dean may also ask the complainant to respond to the report if deemed appropriate. All such responses and replies will be incorporated as appendices to the report of the formal investigation committee.

## 3. Disposition of Final Report and Findings

3.1 The Dean will consider the final report and replies. Upon acceptance of the report by the Dean, the Provost (Vice Provost/designee) will submit a copy of the report containing the outcome of the investigation to the appropriate government agency or source funding the research, if such action is required by regulation or otherwise appropriate. The entire formal investigation process should be completed within 120 calendar days of its initiation, unless documented circumstances warrant a delay.

3.2 If the final report of the formal investigation committee finds the charges of research misconduct against a respondent not to be substantiated, the research misconduct proceeding is terminated and the concerned parties will be informed. A finding that a charge of research misconduct has not been substantiated shall not preclude the University from taking other appropriate action against the respondent if the respondent's behavior or actions violate another University policy or rule.

3.3 If the report of the formal investigation committee finds the charges of research misconduct against a respondent to be substantiated, the matter will then be referred to the responsible administrative entity within the University to determine the appropriate University sanctions, if any, to be imposed for the misconduct (3).

## 4. Other Actions and Procedures

4.1 The Dean in consultation with the Provost will, during the course of the inquiry or formal investigation, take administrative action, as appropriate to protect the welfare of animal or human subjects.

4.2 At any time during the inquiry or formal investigation, the Dean and Provost will immediately notify the relevant funding agency(ies) if public health or safety is at risk; if agency resources or interests are threatened; if research activities should be suspended; if there is reasonable indication of possible violations of civil or criminal law; if Federal action is required to protect the interests of those involved in the investigation; if the University believes the inquiry or formal investigation may be made public prematurely so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved; or if the research community or public should be informed.

4.3 If the final report of the formal investigation committee finds charges have been substantiated, the Provost or Dean will take appropriate steps to correct any misrepresentations resulting from the misconduct. If, at any time during the inquiry or investigatory stages, the respondent admits to the alleged misconduct, the Dean will take the necessary steps to complete the inquiry in order to correct the scientific record. If misrepresented results have been submitted for publication, already published, or otherwise disseminated into the public domain, appropriate journals and other sponsors will be notified. In addition, collaborators, and other affected individuals, organizations, institutions, and sponsors will be informed.

4.4 Complete records of all relevant documentation on cases treated under the provisions of this policy will be preserved by the offices of the Dean and the Provost in a manner consistent with the Protocols for the University Archives and Record Center. In cases adjudicated under Section 3, records will be preserved for a minimum of ten years following completion of all proceedings. Records of cases which are dropped will be preserved for at least three years following the initial inquiry. When students are involved in these procedures, the confidentiality provisions applicable to educational records will govern the disclosure of the records.

4.5 The University may act under these procedures irrespective of possible civil or criminal claims arising out of the same or other events. The Dean, in consultation with the Provost and the General Counsel, will determine whether the University will proceed against a respondent who also faces related charges in a civil or criminal tribunal. If the University defers proceedings, it may subsequently proceed irrespective of the time provisions set forth in these procedures.

## Endnotes

1. The decision to initiate a formal investigation must be reported to the Office of Research Integrity, Department of Health and Human Services, if the research has been supported by a grant from DHHS, according to DHHS regulations.
2. There is a discrepancy between University regulations, which use the standard of "clear and convincing" evidence, and regulations of the Office of Research Integrity, which use the lower standard of "preponderance of evidence". Therefore, if there is a finding of fault, the inquiry must explicitly state whether the higher University standard is met, to inform the University administrative entity which is responsible for determining possible sanctions.
3. The intent of this policy is that the appropriate administrative entity will take responsibility for determining and implementing sanctions.

For instance, if the respondent is an undergraduate student any disciplinary sanctions will be determined by the Office of Student Conduct (OSC) in accordance with its amended Charter procedures dealing with research misconduct findings. In order to determine sanctions, the findings and accompanying documents should be forwarded to the Office of Student Conduct. Upon review of all findings, including all submissions by the respondent etc., the Office of Student Conduct will propose appropriate sanctions to the respondent. The respondent would then have an opportunity to accept, reject or propose alternative sanctions. If either the original sanction or an alternative sanction is accepted and agreed upon, the OSC then has primary responsibility for implementing and monitoring sanctions. If the respondent rejects the sanction, the respondent may appeal the nature and severity of the sanction only to the Disciplinary Appellate Officer within the Student Disciplinary System. If the decision of the appellate officer is to uphold the proposed sanction, the sanction will be imposed, with no further levels of review.

Likewise, if the respondent is a graduate student, postdoctoral fellow, or staff member, the responsible administrative entity would consider the information and determine sanctions.

Source: Almanac, Vol. 51, No. 1, July 13, 2004 (<https://almanac.upenn.edu/archive/volumes/v51/n01/OR-research.html>)

# RECOGNITION AND GOVERNANCE OF UNDERGRADUATE SOCIAL FRATERNITIES AND SORORITIES

The University of Pennsylvania values collegiate fraternities and sororities as an important component of the undergraduate student experience at the University. Fraternal organizations have existed at the University since 1849. These organizations complement the academic and non-academic aspects of the campus life by serving as a source of cultural, academic and social support as their members pursue their educational goals.

This policy

1. describes the relationship between individual fraternity/sorority colonies/chapters ("chapters") and the University,
2. outlines the framework for governance,
3. affirms the University's commitments to recognized chapters and
4. describes the responsibilities of each chapter and its sponsoring organization.

The Office of Fraternity and Sorority Life ("OFSL"), with input from the Interfraternity Council ("IFC"), Intercultural Greek Council ("IGC") and Panhellenic Council ("Panhellenic") (each a "Governing Council") and Greek Alumni/Advisory Council ("GAC"), is responsible for overseeing the implementation of this policy.

## I. Framework for Recognition

### A. General Principles

1. Recognition is the formal process by which the University of Pennsylvania agrees that a fraternity or sorority may function on the campus, enroll members from the student body through recruitment and/or intake activities and identify its chapter with the University.
2. Only chapters of an inter/national independently incorporated organization ("National Sponsoring Body") are eligible for University recognition. The University's recognition is premised on the same basic principles that apply to the University's affiliation with external organizations: there must be commonality of goals and standards, mechanisms for accountability and provisions for the discontinuation of the affiliation should goals diverge or standards decline.
3. For colony and chapter recognition, it is critical that a local network of alumni/ae ("Alumni Sponsor") exists to work with the colony/chapter. The Alumni Sponsor is a critical element for the success of any colony/chapter. The Alumni Sponsor will consist of an identified group of alumni/ae or other adults who have agreed to provide mentoring and guidance to the chapter and its members to ensure long term functioning and organizational stability. The Alumni Sponsor also is tasked to ensure that all actions of the chapter are consistent with the mission and values of the University and the National Sponsoring Body. The Alumni Sponsor may be organized as a separate legal entity, and may be the legal fraternity entity identified as a responsible party in agreements between the University and the fraternity relating to disciplinary action against a chapter or to a chapter's use and occupancy of University-owned property

as a residential chapter house. For all residential fraternities, the Alumni Sponsor must also help to promote the financial viability of the chapter and will, to the extent individuals with the requisite expertise are available to the Alumni Sponsor, assist in developing and implementing plans for the management of and improvements to the chapter house. Continued recognition of a chapter requires ongoing active involvement by an Alumni Sponsor.

4. Because fraternity and sorority chapters should enhance the educational experience of students, it is appropriate for the University to provide support services that will help the chapters to function effectively for their members and enhance their stability over time.

### B. Levels of Recognition

#### 1. Provisional Recognition

Provisional Recognition is the University's conditional approval of affiliation with a local chapter for a specified period, usually no shorter than one year, after an organization meets the criteria for recognition. To be eligible for Provisional Recognition, a chapter must meet all of the criteria described in section III.B. At the end of the period of Provisional Recognition, OFSL will conduct a review of the chapter and consult with the Fraternity and Sorority Advisory Board ("FSAB") and the Vice Provost for University Life ("VPUL"). The Director of OFSL ("Director") will determine whether the chapter qualifies for Full Recognition or continued Provisional Recognition, or should have its recognition revoked or altered. Ordinarily, Provisional Recognition will apply during the establishment of a new chapter or the reestablishment of a formerly active chapter. In addition to meeting all requirements described in sections II and III.B, formerly active chapters seeking to re-establish must also meet any additional conditions set by the Director. A chapter in Provisional Recognition status may only participate in University-wide rush/membership selection processes to the extent permitted by the IFC, Panhellenic or IGC.

#### 2. Full Recognition

Full Recognition accords a fraternity/sorority all of the privileges and resources described in section III.A of this policy while also establishing the fraternity/sorority's responsibilities under this policy, including those set forth in section III.B. If the University believes that the activities of a chapter are inconsistent with its policies or goals, the University reserves the right to change or revoke the chapter's recognition through the appropriate process.

#### 3. Probationary Recognition

Probationary Recognition is a reduced level of recognition resulting from the University's withdrawal of certain privileges for a set time period. This status may be applied to a chapter that has failed to abide by applicable University policies and/or state, local or federal law. Before the end of the probationary period, the chapter's officers, National Sponsoring Body and Alumni Sponsor will be required to produce a written plan regarding corrective action to bring the chapter into full compliance with the policies and/or legal requirements that affected the chapter's status. At the end of the probationary period, OFSL will conduct a review of the chapter in consultation with the FSAB. Based on this review, the Vice Provost for University Life will determine whether the chapter will regain Full Recognition, continue Probationary Recognition or have its recognition revoked or altered.

## II. The Recognition Process

### A. Overview

1. Recognition is a multi-step process through which the University, in consultation with a National Sponsoring Body and an Alumni Sponsor, determines that a chapter meets the criteria established by this policy for affiliation with the University.
2. City-wide fraternities and sororities which, by charter of the National Sponsoring Body, are authorized to draw membership from more than one college/university within the greater Philadelphia area may be recognized under this policy, subject to the following additional conditions: only the membership drawn from the University of Pennsylvania will be recognized as the official fraternity/sorority chapter; participants from outside of the University will be considered "guests" of the chapter and the chapter will be held accountable for the actions of guests.
3. The recognition process begins with informal consultation among the OFSL, the Office of the Provost and other University offices identified by the Office of the Provost to assess how the possible addition of a chapter would affect the University community's social, cultural and academic environment.
4. Following a favorable recommendation upon the conclusion of the consultative process described in section II.A.3, a chapter seeking recognition and its National Sponsoring Body shall make a written application and submit all information specified in application guidelines provided by OFSL. This information will generally include: a written pledge of sponsorship by a National Sponsoring Body; identification of an Alumni Sponsor who will supervise the chapter on an ongoing basis; and specific information about the chapter's governance structure and financial plan.
5. A chapter seeking to operate a chapter house must also provide a detailed housing plan, which must include a description of the contractual arrangements for providing housing to students. Further, all chapter houses must conform to the University's requirements regarding safety, insurance coverage and financial accountability.

### B. Approval Process

1. Provisional Recognition is the first step in the recognition process. To be eligible for Provisional Recognition, a fraternity or sorority chapter must:
  - a. secure a commitment for affiliation from a National Sponsoring Body; and
  - b. identify an Alumni Sponsor.  
The chapter must also obtain approval from the appropriate undergraduate Governing Council, the GAC and OFSL.
2. The Director will submit each application to the appropriate Governing Council, as requested by the chapter, and the Governing Council will make a decision on the application in accordance with its policies and procedures.
3. If the chapter receives the approval of a Governing Council, the application for recognition will be forwarded to the GAC. After the chapter receives the approval of both the applicable Governing Council and the GAC, OFSL will complete its review of the application.
4. Provided that the information submitted by the chapter is acceptable to the University, the Director will issue an Offer of Provisional Recognition letter, which will include any special terms or conditions that apply to the chapter. The National Sponsoring Body, the Alumni Sponsor and the chapter seeking recognition must accept the offer of recognition in writing through their respective authorized officers before a chapter can be granted Provisional Recognition.

5. After a chapter has satisfied requirements contained in the Offer of Provisional Recognition as well as any other prerequisites to Full Recognition established by the University and the National Sponsoring Body, it may seek Full Recognition from the University. Both its National Sponsoring Body and its Alumni Sponsor must certify in writing that a chapter seeking Full Recognition has complied with all requirements for Full Recognition contained in the Offer of Provisional Recognition.
6. If the Director confirms that
  - a. all requirements for Full Recognition contained in the Offer of Provisional Recognition have been satisfied and
  - b. the chapter meets generally applicable criteria for Full Recognition, the Director will issue a letter awarding the chapter Full Recognition status.

## III. Privileges and Responsibilities of Recognition

### A. Privileges

In general, Full Recognition affords a fraternity/sorority the following privileges:

1. Identification of the chapter with the University and, subject to approval of OFSL, use of the University's name along with, but not in place of, identification with the National Sponsoring Body.
2. Advice and assistance of OFSL and other appropriate University offices in the conduct of the chapter's business affairs, operation of its house, if any, and its short-term and long-term financial planning.
3. Assistance and support of various University resources, such as the Division of Public Safety and the Division of Facilities and Real Estate Services, regarding safety and facilities-related issues.
4. Assistance from University offices, such as the Office of Development, Alumni Relations and Annual Giving, in communicating with the University's alumni of the local chapter.
5. Access to University facilities for official chapter functions, subject to the approval of OFSL and/or other appropriate University offices and subject to applicable charges.
6. Participation in the University's fraternity/sorority governance system, through IFC, Panhellenic or IGC and GAC.
7. Participation in official University-wide recruitment or membership solicitation programs, facilitated by the IFC, Panhellenic, IGC and/or GAC.
8. Participation in athletic, social and educational programs and activities provided for fraternal organizations.

### B. Responsibilities of All Chapters

Each chapter, regardless of its level of recognition or residential status, assumes the following obligations:

1. The chapter and its members must comply with all applicable laws and University policies as well as the requirements of its National Sponsoring Body organization.
2. The chapter must cooperate with University administrators, including, but not limited to, emergency response and law enforcement officials.
3. The chapter, collectively, must maintain a satisfactory cumulative grade point average and each of its individual members must remain in good standing. A student who is not in good standing with his or her school may not retain membership status or reside in the chapter house.

4. The chapter must notify OFSL, in a timely fashion, of any changes in the persons responsible for the chapter's operation (including, but not limited to, chapter officers and Alumni Sponsor and/or National Sponsoring Body representatives).
5. At least once per semester, the chapter must review with the Director its general progress and contributions during the previous term regarding chapter viability, compliance with University standards, issues of collective responsibility, projected planning and programming needs and any specific need for advisory services from the University.
6. The chapter must prepare an annual report for its National Sponsoring Body and Alumni Sponsor regarding the status of the undergraduate membership. The National Sponsoring Body must communicate at least once per semester with OFSL regarding its evaluation of the chapter.
7. The chapter must comply with the insurance and risk management requirements established by the University for residential chapter houses, set forth in the University's Policy Establishing Insurance Coverage Requirements and Indemnity Obligations for Residential Fraternities and Sororities.
8. The chapter must accept collective responsibility for activities of the chapter that violate the University's Code of Student Conduct or other policies and for violations of the University's rules by individual members and guests when such violations are approved or tolerated by the chapter, its leadership or members.
9. The chapter must maintain chapter viability through sound financial management and supervision.
10. The chapter must maintain participation in the University's fraternity and sorority governance system through active membership in the IFC, Panhellenic or IGC, and the GAC.
11. The chapter must contribute positively to the University community and to the development of individual chapter members in their role as students at the University.

### **C. Safety and Risk Management Standards for Residential Chapters Operating in Chapter Houses That Are Not Owned or Managed by the University**

Each residential chapter must meet the following additional requirements for initial and continued recognition:

1. The chapter must provide accommodations that are equal in safety and comfort to University dormitory housing. Chapter house accommodations are subject to the same University regulations, guidelines and standards applied to University dormitories and other residential facilities.
2. Chapter house accommodations must comply, on an ongoing basis, with the standards established in the University of Pennsylvania Life Safety Standards for Residential Fraternity/Sorority Chapter Houses.
3. Chapter house accommodations must be structurally sound and maintained in safe, sanitary and tenantable condition.
4. The chapter must submit to regular safety and compliance inspections, as set forth in the University of Pennsylvania Life Safety Standards for Residential Fraternity/Sorority Chapter Houses. All required certifications must be issued by third party service providers approved by the University and must provide evidence of life safety system functionality required by governmental authorities. The Alumni Sponsor will ensure that any identified deficiencies in the condition or operation of the chapter house are promptly corrected.

### **D. Chapter Houses in University-Owned Property**

1. Chapters that occupy University-owned properties are governed by two separate agreements. The Dormitory Agreement is a long-term agreement between the University and the National Sponsoring Body and/or the Alumni Sponsor that sets forth the structure and conditions under which a chapter may occupy a specific property. The Dormitory Agreement affirms that the governing principle of chapter house occupancy is the property's status as a University dormitory, and the operational and management relationship between the University and Sponsoring entity will be consistent with that concept. A Dormitory Agreement may be for any number of years, although usually these agreements have a term of 10 to 25 years, assuming all necessary conditions for continued occupancy are met. As constituent units of the University's system of dormitory housing, chapter houses must submit to regular safety and compliance inspections as set forth in the University of Pennsylvania Life Safety Standards for Residential Fraternity/Sorority Chapter Houses. They also must promptly correct any safety or compliance violations caused by chapter house residents or chapter activities.
2. Additionally, residents of all University-owned chapter houses sign an Occupancy Agreement, between each individual occupant and the University, lasting for not more than one academic year. The Occupancy Agreement reaffirms the chapter house resident's obligations, including the obligation to comply with the safety and behavioral standards that apply to every University student occupying dormitory housing.

## **IV. Mechanisms for Accountability**

Once a chapter receives Full Recognition by the University, the chapter will continue in that status as long as it meets all of the expectations articulated in this policy. On an annual basis, OFSL will review each chapter's compliance with these standards. If it is determined that a chapter has failed to meet its responsibilities under this policy, the University may implement alterations in the chapter's status in accordance with the appropriate process.

The process for addressing a chapter's violation of this or other University policy will depend on the nature and severity of the violation. The procedural options are described below:

### **A. Administrative Warning**

1. The Director, in consultation with University colleagues, may issue an administrative warning to address minor violations of this policy. Such a warning may be issued by OFSL following agreement between OFSL and the chapter about a course of corrective action to remedy the violation(s) at issue. Ordinarily, the time frame for corrective action will not extend beyond one month.
2. Before issuing an administrative warning, the Director or his designee should meet with the president and/or appropriate officers of the chapter to discuss the violation(s). If the Director and the chapter do not agree on a course of corrective action, the Director may refer the matter for formal discipline. In addition, if the chapter fails to take required corrective action after reaching an agreement with OFSL, the University reserves the right to refer the chapter to the formal disciplinary process.

### **B. Temporary Suspension Status**

1. The University may impose a temporary suspension status upon a chapter pending the outcome of the formal disciplinary process when it has reason to believe that the conduct or activities of a chapter poses a risk to safety or has caused or threatens to cause significant

harm to person or property. Such a suspension may be imposed only after consultation between the Director or his or her designee and at least one senior member of the central VPUL administration and the Director of the Office of Student Conduct (OSC).

2. OFSL must provide prompt written notice to the chapter's president, the Alumni Sponsor and the National Sponsoring Body outlining the reason(s) for the temporary suspension status, and any restrictions or conditions attached to it.
3. Ordinarily, during a temporary suspension, a chapter will not be able to conduct any chapter activities and the chapter members may be required to vacate the chapter house.
4. A temporary suspension does not eliminate the possibility of other, more permanent, modifications of a chapter's recognition status.

## C. Process for Addressing Violations of Safety and Risk Management Standards for Residential Chapters

1. If the University determines that a chapter has failed to comply with any of the Safety and Risk Management Standards established under section III.C or section III.D of this policy, the VPUL, after consulting with the Division of Public Safety, the Office of Risk Management and Insurance and the Division of Facilities and Real Estate Services, may impose restrictions on chapter house activities up to and including requiring that the chapter house be vacated until the condition is remedied and the non-compliance is corrected.
2. If, after reasonable notice and an opportunity to address the violation, a chapter fails to remedy a violation of any Safety and Risk Management Standard established under section III.C or III.D of this policy, the VPUL, in consultation with appropriate University offices, such as OFSL and the Division of Facilities and Real Estate Services, will determine whether a safety violation merits a change in the chapter's recognition status. Whenever practicable, the chapter will have an opportunity to be heard before a determination is made. If VPUL determines that a change in recognition status is appropriate, the chapter may be subject to suspension or withdrawal of its recognition.
3. Ordinarily, OFSL will advise the chapter as well as its National Sponsoring Body and the Alumni Sponsor in writing of the Safety and Risk Management Standards violation(s) under section III.C or III.D of this policy and the expected timeline for addressing them. If the chapter fails to meet the University's timeline, or if safety concerns are so significant as to merit such action, the University may take immediate action, up to and including
  - a. requiring that the chapter house be vacated immediately and
  - b. alteration of the chapter's recognition status.
4. A chapter may appeal a determination to alter its status based on a violation of Safety and Risk Management Standards under section III.C or III.D of this policy by writing to the Provost within 10 days after the determination is made.

## D. The FSAB Process

The procedures outlined in the Fraternity and Sorority Advisory Board Judicial Charter will apply to violations other than violations of Safety and Risk Management Standards established under section III.C and III.D of this policy. The University reserves the right to place a chapter on administrative warning in lieu of formal discipline or to place a chapter on temporary suspension status pending completion of the disciplinary process.

## V. Changes in Recognition Status

### A. Probationary Recognition

1. The University may impose Probationary Recognition upon a chapter if it determines that the chapter has violated this or other University policy. A chapter may be placed on probation only after initiation of the procedures described in the FSAB Judicial Charter. Probationary Recognition status can be imposed through an agreement of responsibility (which must be signed by OFSL, all members of the chapter, its Alumni Sponsor and appropriate representatives of the National Sponsoring Body), or following a hearing. Failure to comply with the terms of probation or additional violations during the probationary period will subject a chapter to more severe discipline, up to expulsion.
2. Probationary Recognition will be for a specified period. At the end of the probationary period, OFSL will review the status of the chapter in consultation with the FSAB. Based on this assessment, the Vice Provost for University Life will determine whether the chapter will regain Full Recognition, continue in Probationary Recognition status or be subject to suspension or expulsion.

### B. Suspension of Recognition

1. The University may suspend a chapter's recognition when it determines that the chapter has violated this or other University policy and the chapter's conduct was serious enough to warrant the chapter's separation from the University for a period of time. In addition, suspension of a chapter by its National Sponsoring Body will automatically result in suspension of recognition by the University without further process.
2. Except for a temporary suspension, described above, a chapter's recognition may be suspended only following the initiation of the procedures described in the FSAB Judicial Charter. Suspension can be imposed through an agreement of responsibility or following a disciplinary hearing. Suspension of recognition will be for a specified period.
3. During the period of suspension, all activities of a chapter are suspended and all of its privileges revoked. During this period the National Sponsoring Body, working with the Alumni Sponsor, will be required to develop and submit a written plan of corrective action to bring the chapter into full compliance with this policy. If a chapter house is maintained, the Alumni Sponsor must cease its operation of the chapter house and the chapter and all residents must vacate the chapter house.
4. After the completion of a term of suspension, chapter members in good standing may be authorized to live in the chapter house and may be granted permission to resume participation in chapter activities and programs. Alternatively, the suspended chapter may be reorganized with newly recruited members. If a chapter has been suspended for three years or more, it must go through the process for seeking Provisional Recognition, outlined in section II of this policy.

### C. Withdrawal of Recognition

1. A chapter's recognition may be withdrawn when it is determined to be incapable of meeting its obligations under the terms of this policy for any reason. If a chapter house is maintained, the Alumni Sponsor must cease its operations of the chapter house, the chapter and all residents must vacate the chapter house and the National Sponsoring Body must revoke all privileges and authority for the chapter to function. Withdrawal of recognition terminates all

previously established agreements between the University and the chapter.

2. If a chapter's charter is suspended or withdrawn by its National Sponsoring Body, the University will withdraw the chapter's recognition immediately without further process.
3. A chapter's recognition may be withdrawn following initiation of the procedures described in the FSAB Judicial Charter even if no action has been taken by the National Sponsoring Body. If a chapter's recognition is withdrawn through the FSAB process, the FSAB will ordinarily make a recommendation as to when the National Sponsoring Body may be allowed to seek recolonization at the University.

## **D. Voluntary Withdrawal of Recognition**

1. A chapter may voluntarily relinquish its recognition for a specific period of time or indefinitely. The circumstances under which voluntary withdrawal might be appropriate include, but are not limited to, inadequate financial management, inadequate alumni support, overall lack of viability and inability to comply with the conditions of a chapter's Probationary Recognition.
2. In the event of voluntary withdrawal of recognition, the Alumni Sponsor must cease operations of the chapter house, the chapter and all residents must vacate the chapter house and the National Sponsoring Body must revoke all privileges and authority for the chapter to function.

## **E. Expulsion**

1. The University may expel a chapter when it determines that the chapter has violated this or other University policy in such an egregious manner as to warrant permanent separation from the University.
2. Expulsion means permanent closure of a chapter and terminates all agreements and relationships between the University and the chapter. At the time of expulsion, the Alumni Sponsor must cease operations of the chapter house, the chapter and all residents must vacate the chapter house and the National Sponsoring Body must revoke all privileges and authority for the chapter to function.
3. A chapter may be expelled only following the initiation of disciplinary procedures described in the FSAB Judicial Charter.

## **VI. Amendments**

Recommendations for amendments to this policy may originate with the IFC, Panhellenic, IGC, the GAC, the FSAB or OFSL. Any amendments to this policy will be issued in writing by the Vice Provost for University Life, with a reasonable period for chapters already in recognition status to comply with new requirements.

# RESOURCES FOR STUDENT BEREAVEMENT

Penn recognizes that its students may experience the loss of a loved one during their time at Penn, and that grief impacts us all differently. The following guidelines are meant to describe the resources Penn has in place to help students navigate through this difficult time; students should work with their academic advisors to determine the best course of action for their individual needs.

**For emergency assistance, call 511 or the Division of Public Safety at 215-573-3333. Help is available 24/7.**

If you are grieving or have experienced a death of a loved one, one of the first questions you may have is about missing class. Class attendance policies vary by course, and if you feel overwhelmed about how to get in touch with your instructors, your academic advisor can help.

If you are not sure how to contact your academic advisor, or if you are unable to reach your advisor or would prefer to talk to someone else, please contact your school's advising office:

## Undergraduate Students

College of Arts and Sciences: (<http://www.college.upenn.edu/college-office/>) College Office, 215-898-6341

College of Liberal & Professional Studies: (<http://www.sas.upenn.edu/lps/students/current/>) Academic Advising, 215-746-7040

School of Engineering and Applied Science: (<https://www.seas.upenn.edu/undergraduate/advising/>) Research and Academic Services, 215-898-7246

School of Nursing: (<http://www.nursing.upenn.edu/student-services/advising/accelerated/>) Student Services, 215-898-6687

The Wharton School: (<https://undergrad-inside.wharton.upenn.edu/advising-services/>) Undergraduate Division, 215-898-7608

## Graduate, Professional, and Other Students

Annenberg School for Communication: (<https://www.asc.upenn.edu/academics/graduate-program/>) Graduate Studies, 215-573-6349

Carey Law School: (<https://www.law.upenn.edu/students/student-affairs.php>) Student Affairs, 215-898-7482

College of Liberal & Professional Studies: (<http://www.sas.upenn.edu/lps/students/current/>) 215-898-7326

Graduate School of Education: (<http://www.gse.upenn.edu/resources/current-students/>) Student Affairs, 215-898-7019

Perelman School of Medicine: (<http://www.med.upenn.edu/student/academic-program-directory.html>) MD, Student Affairs, 215-898-7190/BGS, Administrative Director, 215-898-2793

School of Arts and Sciences, Graduate Division: (<https://www.sas.upenn.edu/graduate-division/contact/>) 215-573-5818

School of Dental Medicine: ([http://www.dental.upenn.edu/contacts\\_visitor\\_info/](http://www.dental.upenn.edu/contacts_visitor_info/)) Office of Academic Affairs and Student Life, 215-898-4550

School of Engineering and Applied Science: (<https://www.seas.upenn.edu/undergraduate/advising/>) Research and Academic Services, 215-898-7246

School of Nursing: (<http://www.nursing.upenn.edu/student-services/advising/accelerated/>) Student Services, 215-898-6687

School of Social Policy and Practice: (<https://www.sp2.upenn.edu/student-life/welcome/>) Student Services, 215-746-5895

School of Veterinary Medicine: (<http://www.vet.upenn.edu/education/student-life/student-affairs/>) Office for Students, 215-573-6488

Weitzman School of Design: (<https://www.design.upenn.edu/information/graduate-students/>) Student Services, 215-898-1379

The Wharton School: MBA (<https://mbawelcome.wharton.upenn.edu/welcome-events/office-of-student-life/>), Program Office, 215-898-7604 / Doctoral (<https://doctoral-inside.wharton.upenn.edu/>), Associate Director, 215-898-2619

If you are a family member or a friend who is concerned about a Penn student suffering a loss, please feel free to contact the student's school advising office as well.

**In addition to speaking to an academic advisor, Penn offers a number of other resources to support grieving students:**

## University Offices

Counseling and Psychological Services (<http://www.vpul.upenn.edu/caps/>) (CAPS) offers free and confidential services to all undergraduate, graduate, and professional students at Penn. CAPS' trained clinicians offer both individual and group therapy. Students can make an appointment or discuss available options by calling CAPS at 215-898-7021, 24 hours a day, 7 days a week.

Student Intervention Services (<http://www.vpul.upenn.edu/intervention.php>) (SIS) assists the University community in handling emergencies or critical incidents involving the welfare and safety of students. The SIS teams work in partnership with CAPS, the Chaplain's Office, and Special Services in the Division of Public Safety to manage cases involving major critical incidents. The SIS team utilizes a network of University resources and administrators to support the direct provision of services to students and others impacted by an emergency or crisis situation and provide case management and collaborative follow-up services as needed. SIS can be contacted at 215-898-6081 during regular office hours, or on nights or weekends, please call the Department of Public Safety at 215-573-3333.

The Office of the Chaplain (<http://www.upenn.edu/chaplain/>) is available to students for pastoral support and guidance. The office also serves and supports a wide range of student organizations, fellowships and religious communities on Penn's campus. If you need to reach someone in the Chaplain's Office immediately, please call 215-898-8456 or email the chaplain ([choward@pobox.upenn.edu](mailto:choward@pobox.upenn.edu)) or the associate chaplain ([skocher@pobox.upenn.edu](mailto:skocher@pobox.upenn.edu)).

## **Student Groups on Campus**

Actively Moving Forward (AMF) at Penn is a student organization/ Support Network for students at Penn grieving the illness or death of a loved one. The organization includes a peer-led Grief Support Group for Penn students who are coping with the illness or death of a loved one to connect with others “who get it,” and a Service Group open to ALL students to go to service events together throughout the Philly area. Visit AMF’s website page to learn more at <http://pennstudentsofamf.weebly.com/>, or you can visit their Facebook page at <https://www.facebook.com/AMFatUPenn/>.

# REVOCATION OF DEGREES

## I. Purpose

This policy outlines the process to be followed when a question arises as to whether a degree previously granted to a student, should be revoked.

All degrees at the University of Pennsylvania are conferred by the President on behalf of the Trustees. Therefore, the authority to revoke a degree rests with the President of the University. The Doctor of Philosophy, Master of Arts and Master of Science degrees are recommended by the Graduate Council of the Faculties, so that body has a role in the process for determining whether those degrees should be revoked. Other degrees are recommended by the faculty of a school at the University, so the faculty of that school have a role in the process. In all cases, the dean of the school that oversees the graduate group or recommends the degree has a key role in determining whether a degree should be revoked.

## II. Statement of Policy

The University's award of a degree constitutes its certification of student achievement. In order to preserve the integrity of its academic standards and the degrees it grants, the University may exercise its right to revoke a previously conferred degree. Such action may be considered in a case where it is alleged, for example, that the degree has been obtained by fraud or other serious misconduct, such as, but not limited to, providing false information on an application for admission, cheating on an examination, tampering with student records, plagiarism, or research misconduct while enrolled in the degree program.

## III. Process for the Revocation of Doctor of Philosophy, Master of Arts and Master of Science

### A. Initiation

1. Information that places into question the validity of a previously conferred Doctor of Philosophy, Master of Arts or Master of Science degree should be referred to the dean of the school that houses the graduate group in which the degree holder was enrolled.
2. Upon discovery or receipt of credible information that a graduate may have obtained a degree by fraud or other serious misconduct, the dean should initiate an investigation.

### B. Investigation

1. The dean will appoint an investigative committee, composed of 2 or more faculty, to review the matter and recommend to the dean whether no further action should be taken, whether corrective action short of revocation is appropriate, or whether the degree should be revoked.
2. The graduate will be notified in writing of the investigation, the reason for the investigation, and the procedures to be followed during the investigation. In addition, the graduate will have an opportunity to provide information for the investigative committee to consider.
3. The investigative committee will submit a written summary of its findings and recommendations to the dean. A copy of the committee's report will be provided to the graduate and the graduate may submit a response to it.
4. After reviewing the committee's report and the graduate's response (if any), the dean will decide whether to proceed toward a revocation

of the degree, whether to obtain corrective action or whether to drop the matter. If the dean decides to pursue revocation of the degree, the matter must be referred to the Graduate Council of the Faculties for a hearing. The dean or his/her designate will also bring the matter to the attention of the Provost.

### C. Hearing

1. The graduate may have an advisor, of his or her own choosing, during this process. (Throughout this policy, the term "process advisor" is used to refer to the graduate's advisor for this process.)
2. The graduate should be provided written notice of the hearing at least one month in advance of the hearing. This notice should include information about the hearing process. Every effort should be made to schedule the hearing at a date and time when the graduate and his or her process advisor are able to attend in person or via teleconference. Upon a showing that the required notice was provided, the hearing may proceed in the absence of the graduate and/or his or her process advisor.
3. Members of the Graduate Council will receive the investigative report and supporting documentation in advance of the hearing. The graduate will be invited to submit information in advance of the hearing as well.
4. Both the graduate and the dean will be expected to identify witnesses and provide copies of any additional documents to be offered at the hearing at least one week prior to the hearing date. In the event that a witness is not able to attend the hearing, the witness may present information via teleconference or a signed written statement.
5. The dean (or designate) and the graduate will have an opportunity to present evidence and to question witnesses presented by the other party. Members of the Graduate Council may ask questions of any participant or witness. At the appropriate time, both the dean (or his/her designate) and the graduate may present opening and closing statements.
6. At the hearing, the graduate may be accompanied by a process advisor, who may be an attorney. If the graduate's process advisor is an attorney, a representative of the Office of General Counsel may be invited to attend the hearing. A member of the investigative committee and the graduate group chair may attend the hearing as well. The graduate's process advisor/attorney may provide counsel to the graduate during the hearing but (except as provided in paragraph 7 of this subsection) may not actively participate in the hearing. Likewise, the University's counsel, if present, may not actively participate in the hearing.
7. The graduate is responsible for presenting his or her own case before the Graduate Council. However, when, in the Graduate Council's discretion, the circumstances so warrant, the graduate's process advisor may be permitted to address the Graduate Council or make a statement on the graduate's behalf.
8. The rules of evidence applicable to legal proceedings do not apply to the hearing. Information, including hearsay, may be considered if it is relevant, not unduly repetitious and the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs.
9. Student members and ex officio members of the Graduate Council may be present at the hearing and the closed session. They may participate in the closed deliberations in the same way as other members of the Graduate Council; however, they may not participate in or be present for the vote.
10. At the conclusion of the hearing, the dean (or designate), the graduate and the process advisor, and all other guests will withdraw and the

Graduate Council will deliberate in closed session and then vote on the question of revoking the degree. A two-thirds vote of those voting members present is required for revocation. The determination to revoke a degree must be supported by clear and convincing evidence.

11. The Graduate Council will issue a written decision. If the vote of the Graduate Council does not support revocation of the degree, the Graduate Council will so advise the dean and the matter will be dropped. If the vote supports revocation of the degree, the Graduate Council's decision will be transmitted to the dean and the President, along with copies of all documents reviewed by the Graduate Council.
12. The Graduate Council will arrange for a verbatim recording of the hearing (but not the deliberation and voting phases). The recording and any transcription of it will become part of the record of the proceeding and will remain the property of the University.

## **IV. Process for the Revocation of Degrees Recommended by the Faculties of the Schools**

### **A. Initiation**

1. Information that places into question the validity of a degree should be referred to the dean of the school that houses the program in which the degree holder was enrolled.
2. Upon discovery or receipt of credible information that a graduate may have obtained a degree by fraud or other serious misconduct, the dean should initiate an investigation.
3. In cases, where there are two or more degrees housed in different schools and the validity of one or more the degrees is in question, the deans of the schools involved should confer and act in concert. In such cases, the word "dean" in the following sections shall mean the deans acting together.

### **B. Investigation**

1. The dean will appoint an investigative committee, composed of 2 or more faculty, to review the matter and recommend to the dean whether no further action should be taken, whether corrective action short of revocation is appropriate, or whether the degree should be revoked.
2. The graduate will be notified in writing of the investigation, the reason for the investigation, and the procedures to be followed during the investigation. In addition, the graduate will have an opportunity to provide information for the investigative committee to consider.
3. The investigative committee will submit a written summary of its findings and recommendations to the dean. A copy of the committee's report will be provided to the graduate and the graduate may submit a response to it.
4. After reviewing the committee's report and the graduate's response (if any), the dean will decide whether to proceed toward a revocation of the degree, whether to obtain corrective action or whether to drop the matter. If the dean decides to pursue revocation of the degree, the matter must be referred to the appropriate committee in the school, which shall convene a hearing. If no such committee exists or in cases of two or more degrees being investigated, the dean or deans should appoint a hearing committee consisting of a chair and at least three other members of the faculty of the school or schools. The dean (or designate) will also bring the matter to the attention of the Provost.

### **C. Hearing**

1. The graduate may have an advisor, of his or her own choosing, during this process. (Throughout this policy, the term "process advisor" is used to refer to the graduate's advisor for this process.)
2. The graduate should be provided written notice of the hearing at least one month in advance of the hearing. This notice should include information about the hearing process. Every effort should be made to schedule the hearing at a date and time when the graduate and his or her process advisor are able to attend in person or via teleconference. Upon a showing that the required notice was provided, the hearing may proceed in the absence of the graduate and/or his or her process advisor.
3. Members of the hearing committee will receive the investigative report and supporting documentation in advance of the hearing. The graduate will be invited to submit information in advance of the hearing as well.
4. Both the graduate and the dean will be expected to identify witnesses and provide copies of any additional documents to be offered at the hearing at least one week prior to the hearing date. In the event that a witness is not able to attend the hearing, the witness may present information via teleconference or a signed written statement.
5. The dean (or designate) and the graduate will have an opportunity to present evidence and to question witnesses presented by the other party. Members of the hearing committee may ask questions of any participant or witness. At the appropriate time, both the dean (or designate) and the graduate may present opening and closing statements.
6. At the hearing, the graduate may be accompanied by a process advisor, who may be an attorney. If the graduate's process advisor is an attorney, a representative of the Office of General Counsel may be invited to attend the hearing. A member of the investigative committee and the vice or associate dean who oversees the graduate's program may attend the hearing as well. The graduate's process advisor/attorney may provide counsel to the graduate during the hearing but (except as provided in paragraph 7 of this subsection) may not actively participate in the hearing. Likewise, the University's counsel, if present, may not actively participate in the hearing.
7. The graduate is responsible for presenting his or her own case before the hearing committee. However, when, in the hearing committee's discretion, the circumstances so warrant, the graduate's process advisor may be permitted to address the hearing committee or make a statement on the graduate's behalf.
8. The rules of evidence applicable to legal proceedings do not apply to the hearing. Information, including hearsay, may be considered if it is relevant, not unduly repetitious and the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs.
9. If the hearing committee includes student members and ex officio members, they may be present at the hearing and the closed session and participate in the closed deliberations in the same way as other members of the hearing committee; however, they may not participate in or be present for the vote.
10. At the conclusion of the hearing, the dean (or designate), the graduate and the process advisor, and all other guests will withdraw and the hearing committee will deliberate in closed session and then vote on the question of revoking the degree. A two-thirds vote of those voting members present is required for revocation. The determination to revoke a degree must be supported by clear and convincing evidence.
11. The hearing committee will issue a written decision. If the vote of the hearing committee does not support revocation of the degree, the

committee will so advise the dean and the matter will be dropped. If the vote supports revocation of the degree, the hearing committee's decision will be transmitted to the dean and the President, along with copies of all documents reviewed by the hearing committee.

12. The hearing committee will arrange for a verbatim recording of the hearing (but not the deliberation and voting phases). The recording and any transcription of it will become part of the record of the proceeding and will remain the property of the University.

## V. Appeal

1. If there is a vote in favor of revoking the degree, the graduate may appeal to the Provost within ten (10) days after notification of the hearing committee's decision. The appeal must be written and state the specific grounds upon which it is based.
2. The grounds for an appeal are limited to the following points: a) that there was material and prejudicial procedural error in the conduct of the hearing; and b) that the result of the hearing was arbitrary or capricious.
3. Appellate review will be based solely on the record of the hearing (including written submissions and responses provided by the parties). When an appeal is received, the Provost will be provided with the full record.
4. After consideration of the appeal, the Provost will issue a written decision and provide copies of it to the graduate, the dean, and other appropriate parties. If the Provost finds sufficient basis, he or she may reverse the decision to revoke or remand the matter for further investigation and/or a new hearing.

## VI. Revocation of the Degree

1. If the Provost denies the graduate's appeal, or if an appeal is not submitted within the prescribed period, the decision to revoke will be referred to the President for final action. The President will formally revoke the degree or degrees and notify the Secretary of the University to write to the graduate informing him or her that the grant of the degree has been revoked and requesting that the diploma or diplomas be returned. The Secretary may also request that the graduate return any other University documents rendered inaccurate as a result of this process.
2. As necessary, the graduate's official transcript and other relevant University documents will be corrected to reflect this action. In addition, the dissertation (or master's/senior thesis) will be removed from the University Library and other scholarly repositories.
3. The President may publicize the matter to the extent that he or she, in his or her sole judgment, believes advisable. Further, the University reserves the right to notify relevant publications.

## VII. Resolution Through Mutual Agreement

Nothing in this policy is intended to preclude the dean from informally resolving a matter with a graduate short of a hearing on mutually agreeable terms, including voluntary relinquishment of a degree.

# RULES GOVERNING FINAL EXAMINATIONS

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1. No instructor may hold a final examination nor require the submission of a take-home final exam except during the period in which final examinations are scheduled. When necessary, exceptions to this policy may be granted for postponed examinations (*see 3 and 4 below*). No final examinations may be scheduled during the last week of classes or on reading days.
2. No student may be required to take more than two final examinations on any calendar day during the period in which final examinations are scheduled. If more than two are scheduled, the student may postpone the middle exam. If a take-home final exam is due on a day when two final examinations are scheduled, the take-home exam shall be postponed by one day.
3. Examinations that are postponed because of conflicts with other examinations, or because more than two examinations are scheduled in the same day, may be taken at another time during the final examinations period if the faculty member and student can agree on that time. Otherwise, they must be taken during the official period for postponed examinations.
4. Examinations that are postponed because of illness, a death in the family, for religious observance, or some other unusual event may be taken only during the official periods: the first week of the spring and fall semesters. Students must obtain permission from their Dean's office to take a postponed exam. Instructors in all courses must be willing to offer a make-up examination to all students who are excused from the final examination.
5. No instructor may change the time or date of a final exam without permission from the appropriate Dean.
6. No instructor may increase the time allowed for a final exam beyond the scheduled two hours without permission from the appropriate Dean.
7. No classes or required class activities may be held during the reading period.
8. The first examination of the day begins at 9 a.m. and the last examination concludes by 8 p.m. There will be one hour between exam time blocks.
9. All students must be allowed to see their final examination. Exams should be available as soon as possible after being graded with access ensured for a period of at least one regular semester after the exam has been given. To help protect student privacy, a student should have access only to his or her own exam and not the exams of other students. Therefore, for example, it is not permissible to leave student exams (or grades or papers) in publicly accessible areas.
10. Students may not be asked for their Social Security Numbers. Instructors may not publicly display a student's Penn ID or any portion of the Social Security Number, nor use names, initials, or any personally identifiable information to post grades. Even when an identifier is masked or absent, grades may not be posted in alphabetical order, to protect student privacy.
11. Final exams for College of Liberal and Professional Studies (LPS) courses must be given on the regular class meeting night during the week of final examinations. No change in scheduling is permitted without unanimous consent of all students in the class and the director of LPS. LPS final exams may not be administered during the last week of class or on a reading day.

In all matters relating to final exams, students with questions should first consult with their Dean's offices. Faculty wishing to seek exceptions to the rules also should consult with their Dean's offices. Finally, the Council of Undergraduate Deans and Student Committee on Undergraduate Education (SCUE) urge instructors to see that all examinations are actively proctored.

(Source: Almanac, April 17, 2018, Volume 64, No. 31 (<https://almanac.upenn.edu/volume-64-number-31/#of-record-rules-governing-final-examinations1>))

# SEXUAL MISCONDUCT POLICY, RESOURCE OFFICES AND COMPLAINT PROCEDURES

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Effective July 1, 2022

The mission of the University of Pennsylvania is to offer a world-class education to our students, train future leaders, expand and advance research and knowledge, serve our community and society both at home and abroad, and provide the most expert and outstanding healthcare for our patients. To create and sustain a campus climate in which members of the University community are able to thrive and achieve their full potential, the University has established a wide range of policies, educational programs, resources, support, and reporting systems to respond to complaints of sexual misconduct made against students, postdoctoral or other trainees, faculty, and staff. Sexual harassment, sexual violence, and other forms of sexual misconduct will not be tolerated. The University's policies, resources, and complaint procedures include the following:

- I. Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy (p. 132)
- II. Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy (p. 134)
- III. Student Disciplinary Procedures for Resolving Complaints of Sexual Misconduct (p. 135)
- IV. Procedures for Resolving Complaints of Sexual Misconduct Against Faculty (p. 140)
- V. Procedures for Resolving Complaints of Sexual Misconduct Against Staff (p. 144)

As detailed in these policies and procedures, in all cases where a member of the community, or other person, wishes to initiate a complaint against a member of the community (student, postdoctoral or other trainee, faculty, or staff) for sexual misconduct, the complaint should be brought to the Associate Vice President for Equity and Title IX Officer ("AVP"). The AVP will be responsible for determining the appropriate procedures to be followed and will be charged with overseeing the process.

Not every act that might be offensive to an individual or a group necessarily will be considered sexual misconduct and/or a violation of the University's standards of conduct. In determining whether an act violates University policy, the totality of the circumstances surrounding the conduct must be carefully reviewed. Due consideration must be given to the protection of individual rights, open expression, and academic freedom.

## Complaints Against Faculty

Any member of the University community, visitor to campus, or a participant in a University-sponsored activity may bring a complaint of sexual harassment, sexual violence, relationship violence, stalking or inappropriate consensual romantic or sexual relationships in the workplace or educational setting against a faculty member, instructor, postdoctoral or other trainee, or teaching assistant. The complaint should

be made to the AVP who will meet with the complainant; determine whether the behavior is covered by the Sexual Misconduct Policy and, if so, the appropriate process for resolution or investigation; and oversee that process. If a determination is made that the complaint involves a possible violation of the Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy, then the AVP will direct the process in accordance with the Procedures for Resolving Complaints of Sexual Misconduct Against Faculty. If a determination is made that the complaint involves a possible violation of the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy, then the AVP will oversee the informal resolution or investigative process(es). The AVP will advise the Dean of the applicable school that a complaint has been made and discuss any interim measures that may be needed. In either case, for Standing Faculty, the Procedure Governing Sanctions Taken Against Members of the Faculty, Handbook for Faculty and Academic Administrators, Part II.E.16, will be followed where applicable. Complaints against faculty alleging inappropriate conduct that do not meet the definition of sexual harassment, sexual violence, or relationship violence or stalking under these policies shall be addressed by the Dean's Office of the school or the Office of the Vice Provost for Faculty, consistent with University policies and procedures.

## Complaints Against Staff

Any member of the University community, visitor to campus, or a participant in a University-sponsored activity may bring a complaint of sexual harassment, sexual violence, relationship violence, stalking or inappropriate consensual romantic or sexual relationships in the workplace or educational setting against a staff member. The complaint should be made to the AVP who will meet with the complainant and coordinate with the Office of Staff and Labor Relations in the Division of Human Resources, as appropriate. If a determination is made that the complaint involves a possible violation of the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy, then the AVP will oversee the informal resolution or investigative process(es), advising the Dean or Vice President of the applicable administrative division that a complaint has been made and discussing any interim measures that may be needed. If a determination is made that the complaint involves a possible violation of the Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy, then the AVP will direct the process in accordance with the Procedures for Resolving Complaints of Sexual Misconduct Against Staff or the applicable collective bargaining agreement. Complaints against staff members alleging inappropriate conduct that does not meet the definition of sexual harassment, sexual violence, or relationship violence or stalking under these policies shall be addressed by the Division of Human Resources and/or the Office of Affirmative Action and Equal Opportunity Programs, consistent with University policies and procedures.

## Complaints Against Enrolled Students

Any member of the University community, visitor to campus, or a participant in a University-sponsored activity may bring a complaint of sexual harassment, sexual violence, relationship violence, stalking or inappropriate consensual romantic or sexual relationships in the educational setting or workplace against an enrolled student. The complaint should be directed to the AVP who will oversee the investigative and resolution process(es). If a determination is made that the complaint involves a possible violation of the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy, then the AVP will oversee the informal resolution or investigative process(es), advising the Dean of the applicable school that a complaint has been made and discussing any interim measures that may be needed. If a determination is made that the complaint involves a possible

violation of the Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy, then the AVP will direct the process in accordance with the Student Disciplinary Procedures for Resolving Complaints of Sexual Misconduct. Complaints against enrolled students alleging inappropriate conduct that does not meet the definition of sexual harassment, sexual violence, or relationship violence or stalking under these policies shall be addressed by the Office of Student Conduct or the school in which the Respondent is enrolled, consistent with University and school policies and procedures.

## Reporting and Monitoring

The University is committed to ensuring that members of the University community who share information regarding incidents of sexual misconduct receive the information, counseling and support that they need and are aware of the process for making a complaint. The University is also committed to monitoring reports and complaints of sexual misconduct so that any patterns or systemic problems revealed by such reports and complaints can be addressed. Consistent with these commitments, the AVP should be advised when incidents of sexual misconduct are reported to any of the University's resource offices (except those identified as confidential resources), including the Division of Human Resources (and human resources staff in the schools and centers); Deans, Vice, Associate, or Assistant Deans in the 12 schools; Vice, Associate, or Assistant Provosts; Office of Affirmative Action and Equal Opportunity Programs (OAA/EOP); and Division of Recreation and Intercollegiate Athletics (DRIA). Offices designated as confidential resources in the Sexual Misconduct Policy are to provide information to the AVP regarding possible violations in a manner that protects the identity of the individual who provided it. However, in all cases in which there is a danger to the parties or others, that information must be reported immediately to Wellness Services or the Special Services Department in the Division of Public Safety. When an incident of sexual misconduct is reported to the AVP, appropriate steps will be taken to ensure that the individual who reported the incident has been advised of the available resources and the process for making a formal complaint. Members of the University community who have crime statistics reporting obligations under the Clery Act are obligated to report the matter to the Division of Public Safety, in addition to the AVP. For additional information about Clery Act reporting or to make a report, refer to the Clery Act & Crime Reporting page at <https://www.publicsafety.upenn.edu/clery/>.

## I. Sexual Harassment, Sexual Violence, Relationship Violence, and Stalking Policy

All forms of sexual harassment, sexual violence, relationship violence and stalking and attempts to commit such acts are considered to be serious misconduct and may result in disciplinary action up to and including expulsion or termination of employment. In addition, such acts may violate federal, state and local laws and perpetrators of such acts may be subject to criminal prosecution. This policy, which prohibits behaviors that are more generally addressed by the University's Sexual Misconduct Policy, applies to faculty, postdoctoral and other trainees, students, staff and visitors to the University campus and facilities.

### Sexual Harassment

For the purposes of University policy, the term "sexual harassment"<sup>1</sup> refers to any unwanted conduct that is based on an individual's sex, sexual orientation, gender identity, or gender expression and that:

- Conditions an educational or employment benefit on participation in unwelcome sexual conduct; or
- A reasonable person would determine is so severe, pervasive, and/or objectively offensive that it effectively denies a person equal access to an educational or employment program or activity.

**Sexual violence** includes a range of behaviors in which an act of a sexual nature is taken against another individual without that person's consent or when the individual is unable to consent. There are various types of sexual violence, including but not limited to sexual assault and rape (defined below).

**Sexual assault** (including but not limited to rape) is defined as having committed any of the following acts:

- Any physical sexual contact that involves the use or threat of force or violence or any other form of coercion or intimidation.
- Any physical sexual contact with a person who is unable to consent due to incapacity or mental or physical impairment. "Incapacity" or "impairment" include but are not limited to being under the influence of alcohol or drugs or being too young to consent.

**Rape** is defined as sexual assault involving an act of penetration (and includes such assaults when the individuals know one another).

**Non-forcible sex acts** include unlawful sex acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent as defined by Pennsylvania law.

**Consent** is an affirmative decision to engage in mutually agreed upon sexual activity and is given by clear words or actions. Consent may not be inferred from silence, passivity or lack of resistance alone. Furthermore, consent to one form of sexual activity does not imply consent to other forms of sexual activity and the existence of a current or previous dating, marital or sexual relationship is not sufficient to constitute consent to additional sexual activity. Assent shall not constitute consent if it is given by a person who, because of youth, disability, intoxication or other condition, is unable to lawfully consent.

**Relationship violence**, also commonly known as dating violence, is defined as an act or a pattern of abuse committed by a person involved in a social, sexual or romantic relationship, past or present, with the victim. Relationship violence can encompass a broad range of behaviors that may include physical violence, sexual violence, emotional violence and economic violence.

**Domestic violence** is defined as abuse committed against an adult who is a spouse, former spouse, cohabitant, someone with whom the person has a child, someone with whom the person has an existing dating or engagement relationship, or someone with whom the person had a dating or engagement relationship in the past.

**Stalking** means engaging in a course of conduct directed at specific person(s) that would cause a reasonable person to fear for their safety, the safety of others, or to suffer substantial emotional distress.

In determining whether the alleged conduct violates this policy, consideration will be given to the totality of the circumstances, including the nature of the conduct and the context in which the alleged incident occurred. Generally, complaints of sexual harassment, sexual violence, relationship violence and stalking are made by members of the University community and those made by individuals who are not students, faculty, staff, postdoctoral or other trainees, or alumni will be directed to external

resources available to respond to their complaint or provide support and advice.

The University regards such behavior as a violation of the standards of conduct required of all members of its community. Accordingly, as noted in the University's *Handbook for Faculty and Academic Administrators*, *Human Resources Policy Manual*, *Pennbook* and other publications, persons engaged in such behavior are subject to the full range of internal disciplinary actions, including separation from the institution. The same range of disciplinary actions will be applied in the event of retaliation against an individual who in good faith makes an allegation of sexual misconduct, who cooperates in an investigation into such allegations, or who opposes any act of sexual misconduct as defined in this policy.

Not every act that might be offensive to an individual or a group necessarily will be considered a violation of the University's standards of conduct. In determining whether an act constitutes sexual misconduct, the totality of the circumstances surrounding the conduct must be carefully reviewed. Due consideration must be given to the protection of individual rights, open expression, and academic freedom.

## A. Resources

Schools, centers and administrative divisions should make known to all of their members the available resource offices for information, counseling and support, as well as the informal and formal procedures for resolving complaints of sexual harassment within the appropriate school, center, division, or at the University level. These resources include the following:

### 1. CONFIDENTIAL RESOURCES FOR INFORMATION, COUNSELING AND SUPPORT

Resource offices are available to assist members of the Penn community and visitors to the campus who have been, or know someone who has been, the victim of sexual violence, relationship violence or stalking. The staff of these offices are available to provide counseling and support, as well as information about and assistance with making a complaint.

Generally, the information shared with confidential resources will be held in confidence, consistent with the University's obligation to address complaints of sexual misconduct, unless the person sharing the information gives their consent to the disclosure of that information. Non-identifying information regarding complaints should be provided to the AVP for purposes of assuring compliance with Title IX and other applicable laws and regulations. Confidential resources are not obligated to share identifying information with the AVP when an incident of sexual misconduct is shared with them. However, the commitment to confidentiality does not preclude the sharing of information among University administrators as appropriate to keep members of the University community safe. In addition, confidential resources should submit non-identifying information about incidents of sexual misconduct to the Division of Public Safety for the purpose of crime statistics reporting under the Clery Act. (For additional information regarding requirements, see the Clery Act & Crime Reporting page at <https://www.publicsafety.upenn.edu/clery/>.) The University's confidential resources are:

- African-American Resource Center (<http://www.upenn.edu/aarc/>) (resource for students, staff or faculty)
- Employee Assistance Program (<https://www.hr.upenn.edu/myhr/worklife/healthy/eap/>) (resource for staff or faculty)
- Lesbian Gay Bisexual Transgender Center (<http://www.vpul.upenn.edu/lgbtc/>) (resource for students, staff or faculty)

- Office of the University Chaplain (<http://www.upenn.edu/chaplain/>) (resource for students, staff, faculty, postdoctoral and other trainees, or visitors)
- Office of the Ombuds (<http://www.upenn.edu/ombuds/>) (resource for students, staff, faculty, postdoctoral and other trainees, or visitors)
- Penn Violence Prevention (<https://secure.www.upenn.edu/vpul/pvp/>) (resource for students)
- Penn Women's Center (<http://www.vpul.upenn.edu/pwc/>) (resource for students, staff or faculty)
- Special Services Department (<https://www.publicsafety.upenn.edu/about/special-services/>), Division of Public Safety (resource for students, staff, faculty, postdoctoral and other trainees or visitors)
- Student Health and Counseling (<http://www.vpul.upenn.edu/shs/>) (including its Sexual Trauma Treatment Outreach and Prevention Team, also known as STTOP; resource for students)

## 2. INFORMAL AND FORMAL MECHANISMS FOR COMPLAINT RESOLUTION

If both parties agree and the AVP deems it to be an appropriate instance for an informal resolution of a complaint, the AVP (or the AVP's designee) will meet with the parties individually, and others as appropriate, in an effort to resolve the complaint. When informal resolution is not chosen, one of the parties is not satisfied with the results, or the proposed resolution is not appropriate, the formal mechanisms described below should be used.

A formal complaint of sexual misconduct against any member of the Penn community should be initiated by contacting the AVP. Formal complaints will be handled in accordance with the applicable procedures as set forth below.

### Complaints Against Faculty

Any member of the University community, visitor to campus or a participant in a University-sponsored activity may bring a complaint of sexual harassment, sexual violence, relationship violence, stalking or inappropriate romantic or sexual relationships in the workplace or educational setting or workplace against a faculty member, instructor, postdoctoral or other trainee, or teaching assistant. The complaint should be made to the AVP, who will meet with the complainant, determine the appropriate process under University policy for investigation, and oversee that process. If a determination is made that the complaint involves a possible violation of the Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy, then the AVP will direct the process in accordance with the Procedures for Resolving Complaints of Sexual Misconduct Against Faculty. If a determination is made that the complaint involves a possible violation of the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy, then the AVP will oversee the formal or informal resolution process(es), advising the Dean of the applicable school that a complaint has been made and discussing any interim measures that may be needed. In either case, for Standing Faculty, the Procedure Governing Sanctions Taken Against Members of the Faculty, *Handbook for Faculty and Academic Administrators*, Part II.E.16, will be followed where applicable.

### Complaints Against Staff

Any member of the University community visitor to campus or a participant in a University-sponsored activity may bring a complaint of sexual harassment, sexual violence, relationship violence, stalking or inappropriate romantic or sexual relationships in the workplace or educational setting, against a staff member. The complaint should be made to the AVP who will meet with the complainant and coordinate with the Office of Staff and Labor Relations in the Division of Human

Resources, as appropriate. If a determination is made that the complaint involves a possible violation of the Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy, then the AVP will direct the process in accordance with the Procedures for Resolving Complaints of Sexual Misconduct Against Staff or the applicable collective bargaining agreement. If a determination is made that the complaint involves a possible violation of the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy, the AVP will oversee the formal or informal resolution process(es), advising the Dean, Vice President, or Vice Provost of the applicable administrative division that a complaint has been made and discussing any interim measures that may be needed.

### **Complaints Against Enrolled Students**

Any member of the University community, a visitor to campus, or a participant in a University-sponsored activity may bring a complaint of sexual harassment, sexual violence, relationship violence, stalking or inappropriate romantic or sexual relationships in the workplace or educational setting against an enrolled student. The complaint should be directed to the AVP who will oversee the investigative and resolution process(es). If a determination is made that the complaint involves a possible violation of the Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy, then the AVP will direct the process in accordance with the Student Disciplinary Procedures for Resolving Complaints of Sexual Misconduct. If a determination is made that the complaint involves a possible violation of the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy, then the AVP will oversee the formal or informal resolution process(es), advising the Dean of the applicable school that a complaint has been made and discussing any interim measures that may be needed.

Members of the University community who would like assistance with making a formal complaint may contact any of the confidential resources identified above. As further set forth below, all formal complaints involving Sexual Misconduct are to be initiated by contacting the Associate Vice President for Equity and Title IX Officer ("AVP") who will be responsible for deciding whether the conduct described would violate the Sexual Misconduct Policy, and if so, which investigative or resolution process to pursue.

### **B. Reporting and Monitoring**

The University is committed to ensuring that members of the University community who share information regarding incidents of sexual misconduct receive the information, counseling and support that they need and are aware of the process for making a formal complaint. The University is also committed to monitoring reports and complaints of sexual misconduct so that any patterns or systemic problems revealed by such reports and complaints can be addressed. Consistent with these commitments, AVP should be advised when incidents of sexual misconduct, including sexual violence, are reported to any of the University's resource offices (except those identified as confidential resources), Division of Human Resources (as well as human resources staff in the schools and centers); Deans, Vice, Associate or Assistant Deans of the 12 schools; Vice, Associate, and Assistant Provosts; Office of Affirmative Action and Equal Opportunity Programs (OAA/EOP); and Division of Recreation and Intercollegiate Athletics (DRIA). When an incident of sexual misconduct is reported to the AVP, appropriate steps will be taken to ensure that the individual who reported the incident has been advised of the resources available to them and the process for making a formal complaint. Members of the University community who have crime statistics reporting obligations under the Clery Act are

obligated to report the matter to the Division of Public Safety, in addition to the AVP. For additional information about Clery Act reporting or to make a report, refer to the Clery Act & Crime Reporting page at <https://www.publicsafety.upenn.edu/clery/>.

### **C. Rights of Complainants and Respondents**

Persons who make a complaint and those who are responding to complaints have the following rights:

- The option to notify law enforcement;
- The option to have an advisor, including an attorney the party has retained, present during interviews that are part of a University initiated investigation;
- To be notified of counseling and support services available; and
- To be notified of available options to change academic, living or work arrangements.

### **D. Education and Prevention**

All members of the University community have a responsibility to aid in the prevention of sexual misconduct and are encouraged to discuss concerns with the AVP or another of the University resource offices listed in the policy. The AVP will ensure that the policy is publicized regularly and that educational programs and training are offered to faculty, staff, postdoctoral and other trainees, and students.

### **E. Policy Against Retaliation**

University policy expressly prohibits retaliation against faculty, staff, students, postdoctoral or other trainees, and members of the community who in good faith make reports of violations of this policy. In addition, knowingly and intentionally making a false report of a violation of this policy is prohibited. Members of the Penn community who take adverse action against, intimidate, threaten or otherwise engage in retaliation against a person because they made a complaint of sexual misconduct or served as a witness during an investigation are subject to disciplinary action, up to and including termination of their employment or expulsion from the University.

## **II. Consensual Romantic and Sexual Relationships in the Workplace and Educational Setting Policy**

### **A. Faculty and Students and Academic Settings**

The relationship between faculty member<sup>2</sup> and student is central to the academic mission of the University. No non-academic or personal ties should be allowed to interfere with the integrity of the faculty-student relationship. Consensual sexual relations between faculty and student can adversely affect the academic enterprise, distorting judgments, or appearing to do so to others, and providing incentives or disincentives for student-faculty contact that are inappropriate.

For these reasons, any sexual relations or dating relationships between a faculty member and an undergraduate student enrolled at the University are prohibited. The prohibition extends to all academic advisors and program directors, including those based in the College Houses and other University-owned or administered housing. The prohibition also extends to graduate, professional, or undergraduate student assistants, but, in their case, only with respect to those undergraduate students over whom they have academic responsibility.<sup>3</sup>

Although consensual sexual relations or dating relationships between faculty and graduate or professional students are not categorically

prohibited, the University strongly discourages all sexual relations or dating relationships between faculty and graduate or professional students. Further, sexual relations or dating relationships between a faculty member and a graduate or professional student during the period of the faculty/student relationship are prohibited. The prohibition extends to sexual relations or dating between a graduate or professional student and other students for whom they have some supervisory academic responsibility, between department chairs and students in that department, and between graduate group chairs and students in that graduate group. Likewise, sexual relations and dating relationships are prohibited between a graduate or professional student and their academic advisors, program directors, and all others who have any supervisory responsibility for that student.

## B. Workplace and Other Settings

Those entrusted with responsibility for supervising, evaluating, advising, or mentoring other members of the Penn community are in inherently unequal positions. Faculty, staff, and others should not evaluate or supervise those with whom they have a familial, romantic or sexual relationship because of the potential for conflict of interest, or the appearance of favoritism, exploitation or bias. As is the case for faculty, sexual or romantic relationships between staff members and undergraduate students are prohibited. Although consensual sexual relations or dating relationships between staff and graduate or professional students, are not categorically prohibited, the University strongly discourages all sexual relations or dating relationships between staff and graduate or professional students.

Consensual sexual or romantic relationships between those employed by the University as faculty or staff are not in general prohibited by this policy. However, relationships between employees in which one has direct or indirect authority over the other are potentially problematic, including relationships between supervisors and their direct and indirect reports, between senior faculty and junior faculty, and managers and those who report to them (directly or indirectly). If such a relationship develops or exists as a result of a change in employment or academic status, the person in the position of greater authority or power must recuse themselves to ensure that they do not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also notify their department chair, Dean, supervisor, or manager, so that person can ensure adequate alternative supervisory or evaluative arrangements are put in place. Such notification is always required where recusal is required. This obligation to recuse and notify exists for past as well as for current relationships. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

It is understood that sexual or romantic relationships may be private and the University treats such information sensitively and (to the extent practicable) confidentially. The University has the option to take any action necessary to ensure compliance with the spirit of this policy, including transferring either or both employees to minimize disruption of operations.

### MECHANISMS FOR COMPLAINT RESOLUTION

To make a complaint alleging a violation of this policy, the Associate Vice President for Equity and Title IX Officer (“AVP”) should be contacted.

### COMPLAINTS AGAINST FACULTY

If a determination is made that the complaint involves a possible violation of the Consensual Romantic and Sexual Relations in the Workplace and Educational Settings Policy, (other than sexual harassment, sexual violence or sexual assault), then the AVP will oversee

the informal resolution or investigative process(es), advising the Dean of the applicable school that a complaint has been made and discussing any interim measures that may be needed. In either case, for Standing Faculty, the Procedure Governing Sanctions Taken Against Members of the Faculty, *Handbook for Faculty and Academic Administrators*, Part II.E.16, will be followed where applicable.

### COMPLAINTS AGAINST STAFF

If a determination is made that the complaint involves a possible violation of the Consensual Romantic and Sexual Relations in the Workplace and Educational Settings Policy (other than sexual harassment, sexual violence or sexual assault), then the AVP will oversee the informal resolution or investigative process(es), advising the Dean, Vice President, or Vice Provost of the applicable administrative division that a complaint has been made and discussing any interim measures that may be needed.

### COMPLAINTS AGAINST ENROLLED STUDENTS

If a determination is made that the complaint involves a possible violation of the Consensual Romantic and Sexual Relations in the Workplace and Educational Settings Policy (other than sexual harassment, sexual violence or sexual assault), then the AVP will oversee the informal resolution or investigative process(es), advising the Dean of the applicable school that a complaint has been made and discussing any interim measures that may be needed.

## C. Policy Against Retaliation

University policy expressly prohibits retaliation against faculty, staff, students, postdoctoral or other trainees, or members of the community who in good faith make reports of violations of this policy. In addition, knowingly and intentionally making a false report of a violation of this policy is prohibited. Members of the Penn community who take adverse action against, intimidate, threaten or otherwise engage in retaliation against a person because they filed a complaint of sexual misconduct or served as a witness during an investigation are subject to disciplinary action, up to and including termination of their employment or expulsion from the University.

# III. Student Disciplinary Procedures for Resolving Complaints of Sexual Misconduct

4

## A. Introduction

The University of Pennsylvania is committed to providing a safe and healthy environment, free of gender-based misconduct, to all members of our community and visitors to our community. As such, sexual harassment, sexual assault, sexual violence, relationship violence, and stalking will not be tolerated. To ensure the creation of a climate where students are able to thrive and achieve their full potential, the University has developed a wide range of policies, educational programs, broad-based resources, support, and reporting systems. This amendment to the Student Disciplinary Charter supplements these other policies and initiatives, addressing the process by which complaints against an enrolled University student for a violation of the Sexual Misconduct Policy (which includes its Sexual Harassment, Sexual Violence, Relationship Violence, and Stalking Policy (“Sexual Harassment Policy”), and the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy will be adjudicated and resolved.

## B. Confidentiality

Confidentiality is of critical importance in ensuring that these sensitive matters are handled appropriately. The University has an obligation to respond to violations of its Sexual Misconduct Policy as fairly and expeditiously as possible when a complaint is received. University staff and faculty may share information with others who have a legitimate need to know to fairly and effectively address complaints, but the information should be considered confidential and protected to the extent possible consistent with legal obligations. Such administrators may include, for example those in, the Division of University Life, the Office of the Associate Vice President and Title IX Officer (AVP), the Division of Public Safety, the Senior Vice President for Institutional Affairs and Chief Diversity Officer, Office of General Counsel, Student Health and Counseling, and academic advising offices.

## C. Reporting Complaints of Violation of Sexual Misconduct

### 1. OFFICE OF THE ASSOCIATE VICE PRESIDENT FOR EQUITY AND TITLE IX OFFICER (AVP)

The Office of the AVP will be responsible for managing all complaints made against enrolled University students for violations of its Sexual Misconduct Policy (including sexual harassment and sexual violence). Complaints should be made to the AVP who will assign the complaint to a trained investigative officer (IO) who will work under the AVP's direction and supervision.

Complaints must either be presented in writing or based upon information provided by the complainant to the AVP or IO who will then memorialize the allegations in writing and have the allegations confirmed by the complainant. Complainants may include University students or others who allege a violation of the Policy by a student enrolled at the University during the period that student has been enrolled.

### 2. OFFICE OF THE DISTRICT ATTORNEY AND OFFICE FOR CIVIL RIGHTS

Complainants may also choose to file a report with the District Attorney, the Office for Civil Rights of the U.S. Department of Education, or other external agencies. The University processes and the legal system work independently of one another and the University has its own interest in, and responsibility for, ensuring the enforcement of its Sexual Misconduct Policy.<sup>5</sup> Therefore, the University will not unilaterally defer its processes pending the outcome of any criminal process, nor will the outcome of any legal process be determinative of the University result. The University will, however, comply with reasonable requests by law enforcement for cooperation, and upon reasonable request, will temporarily suspend its fact-finding process in a sexual misconduct investigation so as not to impede the law enforcement process.

### 3. SUPPORT, COUNSELING AND ADVICE

In making a decision about how to proceed with a complaint, complainants may seek support, counseling, and advice from other offices on campus, including the Special Services Department in the Division of Public Safety, Penn Violence Prevention, Office of the University Chaplain, Penn Women's Center, Student Health and Counseling, Office of the Ombuds, African-American Resource Center, or Lesbian Gay Bisexual Transgender Center. A list of these offices is provided in Section E below. Should a complainant decide to proceed with the University's disciplinary process against an enrolled University student, the Office of the AVP will be the single place to initiate the process.

## 4. TIMEFRAME FOR SUBMITTING A COMPLAINT

The University does not limit the timeframe for filing a report of a violation of the Sexual Misconduct Policy. Reports may be filed at any time, although the University's ability to investigate or take any action may be limited by the passage of time or the matriculation status of the alleged respondent.

## 5. COMPLAINANT REQUEST FOR CONFIDENTIALITY

The University is required by Title IX to weigh the complainant's request for confidentiality/privacy with the University's commitment to provide a reasonably safe and nondiscriminatory environment. In situations where a complainant requests confidentiality, the University's ability to investigate and respond to the allegations may be limited. The AVP or IO will notify the complainant if the University cannot, in unusual cases, maintain the complainant's confidentiality/privacy. The complainant's and respondent's identities will only be revealed to those individuals who need to know their names to investigate or adjudicate the complaint or provide interim measures. If the University becomes aware of a pattern of behavior by one or more respondents, the University will take appropriate action in an attempt to protect the University community.

## D. Investigation and Resolution of Complaints

### 1. TIMELY RESOLUTION

Where possible, the process of resolving complaints, exclusive of any appeal, should be completed within 60 business days of the filing of the written complaint. The appeal should be completed, where possible, within 30 business days of the filing of the appeal.

In the event that a Hearing Panel is convened, the complainant and the respondent will both be provided with a copy of the decision of the Panel and given 10 business days to file an appeal.

### 2. RIGHTS AND PROTECTIONS FOR COMPLAINANT AND RESPONDENT

(a) The complainant and respondent have the right to a process that is fundamentally fair, and free of bias or prejudice.

(b) The complainant and respondent have the right to be treated with respect, dignity, sensitivity, and fairness throughout the entire process. They are both entitled to seek support from the University and to be informed about the process both before the process is initiated and throughout the process as it unfolds.

(c) Both parties have the right to participate in the process, or to refrain from participation. Failure to participate will not be used as evidence against either party<sup>6</sup>, but also will not prevent the process from proceeding unless the complainant withdraws the complaint and the University agrees to abide by that request or the respondent withdraws from the University.

(d) Each party may have a lawyer or other advisor present when being interviewed by the Investigative Team and the Hearing Panel, but the lawyer or other advisor will not be permitted to present statements or seek the production of evidence. The party's advisor will be able to direct questions to the other party or witnesses interviewed by the Panel subject to determinations of relevance and other procedural issues by the Disciplinary Hearing Officer.

(e) Evidence of prior sexual conduct by the complainant or respondent with other partners will not ordinarily be considered in the process, and any evidence of a prior sexual relationship between the parties will not be determinative of the issue of consent.

(f) If there is credible evidence of a pattern of violations of the Sexual Misconduct Policy, that evidence may be considered by the Hearing Panel if there is a finding of responsibility and a sanction is being determined.

(g) While the process is underway, the Division of University Life will work with the complainant and respondent, ensuring support is made available to both parties. The Division of University Life will also be responsible for implementing interim measures to protect the parties, or any of the witnesses, consistent with principles of fairness, including implementing measures regarding housing, academic accommodations and scheduling changes, no contact orders, and any other appropriate actions to protect the parties or any of the witnesses.

### 3. PRELIMINARY DETERMINATION

Upon receiving a complaint, the AVP will make a preliminary determination as to whether the complaint falls within the purview of a Sexual Misconduct Policy and whether, on its face, there appears to be a sufficient basis to conduct a full investigation. In making this determination, the AVP may interview the complainant and the respondent (after advising the respondent of the allegations in writing) and conduct whatever preliminary investigation the AVP deems necessary to determine if the actions alleged in the complaint would, if true, constitute a violation of the University's Sexual Misconduct Policy and there is a reasonable basis for investigating the charges. If the AVP concludes there is insufficient basis to proceed, the matter will be concluded, and the parties so advised.

### 4. INVESTIGATION

If the AVP makes the determination that there is a sufficient basis to proceed, the AVP will issue a Statement of Charge Letter, based on the complaint and any preliminary investigation conducted. The Charge Letter will be provided to the complainant and the respondent. The respondent will be provided the opportunity to respond in writing to the Charge, and any response will be shared with the complainant.

The IO will lead a thorough and fair investigation, assisted by one or more co-investigators who may come from the school of the complainant or respondent or from elsewhere in the University (the "Investigative Team"). The co investigator(s) will be University staff or faculty members or a consultant or attorney appropriately trained to investigate and handle sexual misconduct cases who are selected for individual cases by the AVP or IO. The investigation will include interviews of the complainant, the respondent, and relevant witnesses, as well as a review of documentation, physical evidence, and any other relevant evidence.

Prior to interviews, the complainant, the respondent, and any relevant witnesses will be informed by the IO that statements made during the process may be admissible in concurrent or subsequent civil or criminal court proceedings, and will accordingly also be informed of their rights as outlined in Section D.2(c) above. They will also be reminded of the consequences of making false statements to the IO under the Code of Student Conduct and the Charter of the University of Pennsylvania Student Disciplinary System. The complainant and respondent may have their advisors<sup>7</sup> and/or outside counsel present for their interviews, but the advisors or outside counsel will not be permitted to participate in the interview other than to provide advice to the student, and they may be excluded from the interview for disruptive behavior.

In conducting the investigation, the Investigative Team may, as appropriate, also consult with other campus officials including but not limited to administrators in the relevant school, Division of Public Safety, the AVP and Title IX Officer, Senior Vice President for Institutional Affairs and Chief Diversity Officer, or the Division of University Life. The

Investigative Team may also consult with the Office of General Counsel, who may determine in particular cases to engage outside counsel to assist the University throughout this process. The Investigative Team may engage forensic and other experts, as needed.

### 5. INVESTIGATIVE REPORT

At the conclusion of the investigation, the Investigative Team will prepare a draft factual investigative report, including assessments of credibility, a recommended finding as to responsibility, and recommended sanctions, if appropriate. In making the responsibility determination, the Investigative team will use a "preponderance of the evidence" standard. In other words, to find a student responsible for violating the Sexual Misconduct Policy, the Investigative Team must be convinced that it is more likely than not that a violation of the Policy has occurred.

#### (a) Opportunity for Review and Comment

The draft investigative report and related exhibits and evidence will be provided to both the complainant and respondent for review and comment, under strict instructions that they are and at all times remains strictly confidential, and are not to be shared with anyone other than their families and advisors, and/or outside counsel, as described above without the expressed consent of the AVP. Sharing of the report by either party, their families, advisors or outside counsel with any additional persons is strictly prohibited and anyone with whom the report is shared must be so advised. The complainant and the respondent will be given the opportunity to respond to and comment on the draft investigative report in writing.

#### (b) Final Report

As a result of the response and comments received, the Investigative Team may conduct a further investigation and/or amend the draft report, if the Team determines either action to be warranted. The Investigative Team will prepare a final investigative report, incorporating any changes they believe are appropriate, and then share it with the complainant and the respondent. The complainant and respondent may submit formal objections or comments to the final report, which will be appended to the final report of the matter.

### 6. RESOLUTION WITHOUT A HEARING

The matter may be resolved at this stage if both parties agree to the recommendations of the Investigative Team with respect to responsibility and, if applicable, sanctions, or if the parties otherwise reach a mutually acceptable resolution. The University, however, will not compel either the complainant or the respondent to engage in face-to-face mediation or to accept the recommendations of the Investigative Team.

### 7. HEARING PANEL

If the matter is not resolved at this stage in a mutually acceptable manner, either party may request a Hearing before a Hearing Panel (Panel) within 10 business days of transmission of the final report.

#### (a) Panel Membership

The Panel will be comprised of three (3) faculty members and the Disciplinary Hearing Officer (DHO), who will be a non-voting member. The DHO will make all decisions about the organization of the Panel, including decisions regarding the admissibility of evidence, witnesses to appear before the Panel, or any additional decisions regarding the administration of the hearing process.<sup>8</sup>

Membership of the Panel, including the DHO, will observe the following guidelines:

- i. Members will be selected from a pool of faculty who have agreed to serve for a term of one or more years.
- ii. Only mixed-gender panels that have received training in handling complaints involving sexual misconduct will hear sexual misconduct cases.
- iii. Faculty comprising the Panel should be from academic departments in which neither of the parties is enrolled in a course of study, and no faculty member should serve on the Panel who has a mentoring relationship or other personal relationship with either of the parties.
- iv. Faculty asked to serve should recuse themselves or be dismissed if they have any personal ties to either of the parties or to individuals with whom the parties are closely associated, or if they have prior personal knowledge of the alleged incident of sexual misconduct.
- v. The University will train members of the pool to fulfill their responsibilities as adjudicators according to the procedures and policies outlined here and to ensure compliance with Title IX and other applicable state and federal guidelines. In addition, the Panel will be provided with “just in time” training on adjudicating sexual misconduct cases.
- vi. The IO may not serve on the Panel; however, the IO may be interviewed by the Panel regarding the investigation. The AVP or IO may assist the DHO as needed in organizational and administrative matters related to the Panel.
- vii. The complainant and respondent will be notified of the membership of the Panel in advance of the Hearing. Any challenges for cause against individual Panel members must be made promptly so as not to delay the conduct of the Hearing and will be given serious consideration by the DHO to ensure impartiality of the proceedings.
- viii. All proceedings must be kept strictly confidential among the parties, witnesses and members of the panel. All individuals involved in such hearings must agree to such conditions of confidentiality.

### **(b) Hearing Procedures**

Hearings must be prompt, fair, and impartial, affording the complainant’s allegations and the respondent’s defenses all due consideration and protecting the rights of both parties. The Panel will review the Investigative Team’s final report, including any response, objections, or comments provided by the complainant or respondent. The Panel will also carefully review the evidentiary record, including witness statements, documents, and physical evidence.

#### **Hearing Panel Interviews**

- i. The Panel will interview separately the IO (and co-investigator(s) if the Panel so chooses), the complainant, and the respondent. The DHO will provide the complainant and respondent with 10 days advance notice of the Hearing. If reasonably possible, interviews will be conducted on one day, but if such scheduling would require an unreasonably long day, or if such scheduling would unreasonably delay the proceeding, the Hearing may be scheduled over multiple days.
- ii. The Panel may seek additional evidence from the Investigative Team and interview key witnesses on whom the Investigative Team relied in drawing conclusions, as well as request additional evidence from the

IO to clarify the evidentiary record, provided that it can do so without unreasonably delaying the process. In the event that a new witness comes forward during the Hearing who was not originally interviewed by the Investigative Team, or new evidence is discovered after the Investigative Team has issued their report, the DHO may allow that witness to testify or admit the evidence to the Hearing, but only if the DHO judges the new witness or evidence to be highly relevant to an accurate and fair determination of the outcome.

- iii. The Hearing will be held in private. Only the person interviewed (and that person’s advisor or outside counsel, as applicable) will be present during interviews. The complainant or respondent (and their advisor or outside counsel, as applicable) will be able to view testimony from separate rooms via closed-circuit television or similar video transmission.
- iv. Subject to the Rights and Protections set forth in Section D.2 above, the Panel has wide latitude when questioning the complainant, the respondent, and any witnesses to determine the accuracy of the final report.
- v. The complainant and respondent may propose witnesses and provide specific questions in advance that they believe important to ask of other parties or witnesses. The DHO, in consultation with the Panel, will determine the relevance as well as the appropriateness of witnesses and questions, and may accordingly place restrictions on, include, or exclude witnesses or other information.
- vi. When the Panel is conducting the interview of the complainant and respondent, each student will have an advisor or outside counsel with them to provide advice and support. The advisor or outside counsel will be permitted to address questions to the other party during the Hearing subject to determinations of relevancy and other appropriate considerations. If an advisor’s or outside counsel’s behavior is disruptive, the Hearing will be adjourned and they may be excluded from the Hearing.
- vii. The interviews by the Panel will be recorded (audio only). No observers will be permitted to make any audio or video recordings.

### **(c) Hearing Panel Decision**

After the Hearing concludes, the Panel will immediately deliberate in private to decide whether a preponderance of the evidence shows that the respondent is responsible for a violation of the University’s Sexual Misconduct Policy. Preponderance of the evidence means that the Panel must be convinced based on the evidence that it is more likely than not that a violation has occurred to find a student is responsible for a violation of the policy. A finding of responsibility requires a majority vote of the members of the Panel.

If the respondent is found responsible, the Panel will also determine the appropriate sanction, by majority vote, based upon the facts of the case and University precedent, with a presumption in favor of the sanction recommended by the IO.

The Panel will arrive at its conclusion as expeditiously as possible and will promptly advise both the complainant and the respondent in writing of its decision with respect to responsibility and, if applicable, sanctions. In keeping with guidelines for timely resolution as provided in Section D1 above, the written decision will be provided as soon after the conclusion of the proceeding as is possible.

Decisions made by the Panel are considered final, subject only to appeal as outlined below.

**(d) Appeal of Hearing Panel Decision**

The Panel decision is subject to appeal by either party in writing to a Disciplinary Appellate Officer (DAO), a faculty member with exclusive jurisdiction to decide appeals. In keeping with guidelines for timely resolution as provided in Section D1 above, appeals should be submitted to the AVP within 10 business days after the decision of the Panel.

Letters of appeal should specifically state whether the objection is to the judgment of responsibility, the sanction, or both, and explain in detail the grounds for appeal. The request for an appeal will be shared with the other party who will have the opportunity to provide a response or otherwise direct comments to the DAO within 10 business days. Any such comments or response will be shared with the other party.

The DAO will review the report of the Investigative Team and supporting evidence, the audio record from the Panel Hearing, and any other material the DAO deems relevant, in addition to the decision of the Panel to ensure that the process was consistent with University policy and that the result was not arbitrary or capricious, that there were no procedural irregularities, that there was no demonstrated bias or conflict of interest on the part of any fact-finder, and that no new evidence has been brought forward that would alter the outcome of the Hearing.

After considering the appeal, the DAO will promptly issue their decision in writing and will provide copies to the DHO, the Provost, the Senior Vice President for Institutional Affairs and Chief Diversity Officer, the complainant, the respondent, and other appropriate parties.

**E. Resource Offices****1. CONFIDENTIAL RESOURCES**

Generally, the information shared with confidential resources will be held in confidence, consistent with the University's obligation to address complaints of sexual misconduct, unless the person sharing the information gives their consent to the disclosure of that information. Non-identifying information regarding complaints should be provided to the AVP for purposes of assuring compliance with Title IX and other applicable laws and regulations. Confidential resources are not obligated to share identifying information with the AVP when an incident of sexual misconduct is shared with that resource. However, the commitment to confidentiality does not preclude the sharing of information among University administrators as appropriate to keep members of the University community safe. In addition, confidential resources should submit non-identifying information about incidents of sexual misconduct to the Division of Public Safety for the purpose of crime statistics reporting under the Clery Act. (For additional information regarding requirements, see the Clery Act & Crime Reporting page at <https://www.publicsafety.upenn.edu/clery/>.) The University's confidential resources are:

**Special Services Department, Division of Public Safety**

24-hours/7 days per week: (215) 898-6600  
4040 Chestnut Street  
<http://www.publicsafety.upenn.edu/special-services/>

**Penn Women's Center (PWC)**

(215) 898-8611 and (215) 898-6500  
3643 Locust Walk  
<https://pwc.vpul.upenn.edu>

**Student Health and Counseling**

Counseling: (215) 898-7021  
After-hours emergency number: (215) 349-5490  
3624 Market Street, 1st Floor, West

<http://caps.wellness.upenn.edu/sttop> (<http://caps.wellness.upenn.edu/sttop/>)

**Sexual Trauma Treatment, Outreach and Prevention (CAPS)**

<http://caps.wellness.upenn.edu/sttop> (<http://caps.wellness.upenn.edu/sttop/>)

Medical: (215) 746-3535  
Suite 100, 3535 Market Street  
<http://shs.wellness.upenn.edu>

**Lesbian Gay Bisexual Transgender Center**

(215) 898-5044  
3907 Spruce Street  
<https://lgbtc.vpul.upenn.edu>

**African-American Resource Center**

(215) 898-0104  
3643 Locust Walk  
<http://www.upenn.edu/aarc/>

**Office of the Ombuds**

(215) 898-8261  
113 Duhring Wing, 236 S. 34th Street  
<http://www.upenn.edu/ombuds/>

**Office of the University Chaplain**

(215) 898-8456  
240 Houston Hall, 3417 Spruce Street  
<http://www.upenn.edu/chaplain/>

**Penn Violence Prevention**

(215) 746-2642  
3611 Locust Walk  
<https://pvp.vpul.upenn.edu>

**2. OFFICIAL REPORTING OFFICES FOR SEXUAL MISCONDUCT COMPLAINTS**

If reports of sexual misconduct are made with or come to the attention of the following offices, they must ensure that appropriate action is taken, including notifying the University's AVP and Title IX Officer:

**Office of Affirmative Action and Equal Opportunity Programs**

(215) 898-6993  
Suite 421, Franklin Building  
<http://www.upenn.edu/affirm-action/index.html> (<http://www.upenn.edu/affirm-action/>)

**Student Intervention Services, VPUL**

(215) 898-6081  
(215) 768-6527 Nights/Weekends  
3611 Locust Walk  
<https://sis.vpul.upenn.edu>

**Office of Student Conduct**

(215) 898-5651  
Suite 400, 3440 Market Street  
<https://www.osc.upenn.edu/>

**Office of Staff and Labor Relations, Division of Human Resources**

(215) 898-6093  
Suite 600, Franklin Building  
<https://www.hr.upenn.edu/workplace-issues/staff-labor-relations>  
(<https://www.hr.upenn.edu/workplace-issues/staff-labor-relations/>)

## F. Intake and Investigative Office for Sexual Misconduct Complaints

The official office for reporting, initiating a formal complaint, and investigation of violations of the Sexual Misconduct Policy, including violations of the Sexual Harassment Policy, is the Office of the Associate Vice President for Equity and Title IX Officer. The contact information for that Office is:

### Associate Vice President for Equity and Title IX Officer

3901 Walnut Street, Suite 320

(215) 898-2887

<https://titleixoffice.upenn.edu/>

## IV. Procedures for Resolving Complaints of Sexual Misconduct Against Faculty

### A. Introduction

The University of Pennsylvania is committed to providing a safe and healthy environment, free of gender-based misconduct, to all members of our community and visitors to our community. As such, sexual assault, sexual violence, relationship violence and stalking will not be tolerated. To ensure the creation of a climate where members of the community are able to thrive and achieve their full potential, the University has developed a wide range of policies, educational programs, broad-based resources, support and reporting systems. These procedures supplement these other policies and initiatives, addressing the process by which complaints against a University faculty member for a violation of the Sexual Misconduct Policy (which includes the Sexual Harassment Sexual Violence, Relationship Violence and Stalking Policy (“Sexual Harassment Policy”) and the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy) will be adjudicated and resolved.

### B. Confidentiality

Confidentiality is of critical importance in ensuring that these sensitive matters are handled appropriately. The University has an obligation to respond to violations of its Sexual Misconduct Policy as fairly and expeditiously as possible when a complaint is received. University staff and faculty may share information with others who have a legitimate need to know to fairly and effectively address complaints, but the information should be considered confidential and protected to the extent possible consistent with legal obligations. Such administrators may include, for example those in, the Division of University Life, the Office of the Vice Provost for Faculty, the Office of the Associate Vice President for Equity and Title IX Officer (AVP), the Division of Public Safety, the Senior Vice President for Institutional Affairs and Chief Diversity Officer, the Office of General Counsel, Employee Assistance Program, Student Health and Counseling, and academic advising offices.

### C. Reporting Complaints of Violation of the Sexual Misconduct Policy

#### 1. OFFICE OF THE ASSOCIATE VICE PRESIDENT FOR EQUITY AND TITLE IX OFFICER

The Office of the Associate Vice President for Equity and Title IX Officer (AVP) will be responsible for overseeing all complaints made against a University faculty member, instructor, postdoctoral or other trainee, or teaching assistant (“faculty member”) for possible violations of the Sexual Misconduct Policy. Complaints should be made to the AVP who will ensure that complaints are investigated by a trained Investigative

Officer (IO), who will select a co-investigator to form the Investigative Team. The Investigative Team will consult with the appropriate Dean, or in any case for which the Dean has an actual or appearance of a conflict of interest or is implicated in the complaint, the Vice Provost for Faculty.

Complaints must either be presented in writing or based on information provided by the complainant or another individual making the report who will then memorialize the allegations in writing and ask the complainant to confirm them. Complainants may include University students, staff, faculty members, participants in a University-sponsored activity, or others alleging a violation of the Policy by a current University faculty member.

#### (a) Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings

If the AVP determines that the complaint involves a possible violation of the Consensual Romantic or Sexual Relationships in the Workplace or Educational Settings Policy and not the Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy, the complaint will be investigated by an IO.<sup>9</sup> The facts, conclusions, and recommendations reached by the IO will be reported to the Dean of the applicable school who may seek an informal resolution, if appropriate, or initiate the University’s Procedure Governing Sanctions Taken Against Members of the Faculty (*Faculty Handbook* II.E.16).

#### (b) Sexual Harassment, Sexual Violence, Relationship Violence, and Stalking

If the AVP determines that the complaint involves a possible violation of the Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy, the procedures outlined below in Section D of this policy will apply.

### 2. OFFICE OF THE DISTRICT ATTORNEY AND OFFICE FOR CIVIL RIGHTS

Complainants may also choose to file a report with the District Attorney, the Office for Civil Rights of the U.S. Department of Education, or other external agencies. The University’s processes and the legal system are independent of one another, and the University has its own interest in, and responsibility for, the enforcement of its Sexual Misconduct Policy.<sup>10</sup> Therefore, the University will not unilaterally defer its processes pending the outcome of a criminal process, nor will the outcome of any legal process be determinative of the University result. The University will, however, comply with reasonable requests by law enforcement for cooperation, and upon reasonable request, will temporarily suspend its factfinding process in a sexual misconduct investigation so as not to impede the law enforcement process.

### 3. SUPPORT, COUNSELING AND ADVICE

In making a decision about whether to file a sexual misconduct complaint, complainants may seek support, counseling and advice from other offices on campus. A list of these offices is provided in Section E below. Should the complainant decide to proceed with a University investigation and resolution process against a University faculty member, the Office of the AVP will be the single place to initiate the process.<sup>11</sup>

### 4. TIMEFRAME FOR SUBMITTING A COMPLAINT

The University does not limit the timeframe for filing a sexual misconduct complaint. Reports may be filed at any time, although the University’s ability to investigate or take action may be limited by the passage of time, changes in the employment relationship of the alleged respondent at the time the report is made, or other circumstances.

## 5. COMPLAINANT REQUEST FOR CONFIDENTIALITY

The University is required by Title IX to weigh the complainant's request for confidentiality/privacy with the University's commitment to provide a reasonably safe and nondiscriminatory environment. In situations where a complainant requests confidentiality, the University's ability to investigate and respond to the allegations may be limited. The AVP or IO will notify the complainant if the University cannot, in unusual cases, maintain the complainant's confidentiality/privacy. The complainant's and respondent's identities will only be revealed to those individuals who need to know their names in order to investigate or adjudicate the complaint or provide interim measures. If the University becomes aware of behavior or a pattern of behavior by one or more respondents, the University will take appropriate action in an attempt to protect the University community.

## D. Investigation and Resolution of Complaints of Sexual Harassment, Sexual Violence, Relationship Violence, and Stalking

### 1. TIMELY RESOLUTION

The process of resolving complaints, not including any appeal, should be completed, where practicable, within 60 business days of the filing of the written complaint. The appeal should be completed, where practicable, within 30 business days of the filing of the appeal. In the event that a Hearing Panel is convened, the complainant and the respondent will both be provided with a copy of the decision of the Panel and given 10 business days from the date of the transmittal of the Hearing Panel's decision to file an appeal.

### 2. RIGHTS AND PROTECTIONS FOR COMPLAINANT AND RESPONDENT

- (a) The complainant and respondent have the right to a process that is fundamentally fair, and free of bias or prejudice.
- (b) The complainant and respondent have the right to be treated with respect, dignity, sensitivity and fairness throughout the entire process. They are both entitled to seek support from the University and to be informed about the process both before it is initiated and as it unfolds.
- (c) Both parties have the right to participate in the process, or to refrain from participation.<sup>12</sup> Failure to participate will not be used as evidence against either party, but also will not prevent the process from proceeding unless the complainant withdraws the complaint and the University agrees to abide by that request.
- (d) Each party may have an advisor, who may be their lawyer, present when being interviewed by the Investigative Team and the Hearing Panel, but the lawyer or other advisor will not be permitted to present statements or seek the production of evidence. The advisor will be permitted to pose questions to the other party or any witnesses interviewed by the Hearing Panel subject to determinations of relevance and other appropriate issues by the DHO.
- (e) Evidence of prior sexual conduct by the complainant or respondent with other partners will not ordinarily be considered in the process, and any evidence of a prior sexual relationship between the parties will not be determinative of the issue of consent.
- (f) If there is credible evidence of a pattern of violations of the Sexual Misconduct Policy, evidence that helps to establish such a pattern may be considered by the Hearing Panel.

(g) While the process is underway, appropriate interim measures will be taken to protect the parties. If both the complainant and the respondent are faculty members, the Dean(s) of the school(s) to which the faculty members have appointments—or the Dean'(s) designee(s)—would work with the complainant and respondent, ensuring support is provided to both parties, and implementing interim measures to protect the parties, consistent with principles of fairness. In the event that the complainant is a staff member or a student, the Dean of the school to which the respondent has an appointment—or the Dean's designee—will work with the Division of Human Resources (for staff members) and the Division of University Life (for students) to implement interim measures.

### 3. PRELIMINARY DETERMINATION

Upon receiving a complaint, the AVP will make a preliminary determination as to whether the complaint on its face appears to be a sufficient basis to conduct a full investigation. In making this determination, the AVP may interview the complainant and the respondent (after advising the respondent of the allegations in writing) and conduct whatever preliminary investigation the AVP deems necessary to determine if the actions alleged in the complaint would, if true, constitute a violation of the University's Sexual Harassment, Sexual Violence, Relationship Violence, and Stalking Policy and there is a reasonable basis for investigating the charges. If the AVP concludes there is insufficient basis to proceed, the matter will be concluded, and the parties so advised.

### 4. INVESTIGATION

If the AVP makes the determination that there is a sufficient basis to proceed, an IO will be assigned to conduct the investigation. The AVP will issue a Statement of Charge Letter, based on the complaint and any preliminary investigation conducted. The Charge Letter will be provided to the complainant and the respondent. The respondent will be provided the opportunity to respond in writing to the Charge, and any response will be shared with the complainant. The Dean of each school to which the respondent faculty member has an appointment will also receive a copy of the Charge Letter.

The IO will lead a thorough and impartial investigation, assisted by one or more co-investigators who may come from the school of the complainant or respondent or from elsewhere in the University (the "Investigative Team"). Co-investigator(s) will be University staff or faculty members or a consultant or attorney appropriately trained to investigate and handle sexual misconduct cases who will be selected for individual cases by the AVP or IO. The investigation will include interviews of the complainant, respondent, and any relevant witnesses, as well as review of documentation, physical evidence and any other relevant evidence.

Prior to interviews, the complainant, the respondent and any relevant witnesses will be informed by the IO that statements they make during the process may be admissible in concurrent or subsequent civil or criminal court proceedings. Accordingly, the parties and witnesses will be informed of their rights as outlined in Section D2 above. The parties will be advised of the seriousness of the proceeding and the expectation that the information they provide is both accurate and complete. Any false or misleading statements may subject the party making such statements to proceedings under the applicable University policy, handbook, code and/or charter. The complainant and respondent may have their advisors and/or outside counsel present for their interviews, but the advisors or outside counsel will not be permitted to participate in the interview other than to provide advice to the person they have accompanied, and they may be excluded from the interview for disruptive behavior.

In conducting the investigation, the Investigative Team may, as appropriate, also consult with other campus officials including but not limited to administrators in the relevant school(s), the Division of Public Safety, the AVP, the Senior Vice President for Institutional Affairs and Chief Diversity Officer, the Vice Provost for Faculty or the Vice Provost for University Life. The Investigative Team may also consult with the Office of General Counsel, which may determine in particular cases to engage outside counsel to assist the University throughout this process. The Investigative Team may engage forensic and other experts, as needed.

## 5. INVESTIGATIVE REPORT

At the conclusion of the investigation, the Investigative Team will prepare a draft factual investigative report, including assessments of credibility, a recommended finding as to responsibility, and recommended sanctions, if appropriate.<sup>13</sup> In making the responsibility determination, the Investigative Team must be convinced that there is a preponderance of evidence that a violation of the Sexual Misconduct Policy has occurred. In other words, to find a faculty member responsible for violating the Sexual Misconduct Policy, the Investigative Team must be convinced that it is more likely than not that a violation of the Policy has occurred.

### (a) Opportunity for Review and Comment

The draft investigative report and related exhibits and evidence will be provided to both the complainant and respondent for review and comment, under strict instructions that they are and at all times remain strictly confidential, and are not to be shared with anyone other than their families and advisors or outside counsel, as described above without the expressed consent of the AVP. Sharing of the draft report by either party, their families, advisors or outside counsel with any additional persons is strictly prohibited and anyone with whom the report is shared must be so advised. The complainant and the respondent will be given the opportunity to respond to and comment on the draft investigative report in writing.

### (b) Final Report

As a result of the response and comments received, the Investigative Team may conduct a further investigation and/or amend the draft report, if the Team determines either action to be warranted. A final investigative report will be prepared, incorporating any changes, and shared with the complainant and the respondent. The complainant and respondent may submit formal objections or comments to the final report, which will be appended to the final report of the matter.

## 6. RESOLUTION WITHOUT A HEARING

The matter may be resolved at this stage if both parties agree to the recommendations of the Investigative Team with respect to responsibility and, if applicable, sanctions, or if the parties otherwise reach a mutually acceptable resolution. The University, however, will not compel either the complainant or the respondent to engage in face-to-face mediation or to accept the recommendations of the Investigative Team.

## 7. HEARING PANEL

If the matter is not resolved at this stage in a mutually acceptable manner, either party may request a hearing before a Hearing Panel (Panel) within 10 business days of transmission of the final report.

### (a) Panel Membership

The Panel will be comprised of three (3) faculty members and the Designated Hearing Officer (DHO), who will be a non-voting member. The DHO will make all decisions about the organization of the Panel, including decisions regarding the admissibility of evidence, witnesses to appear

before the panel, or any additional decisions regarding the administration of the hearing process.<sup>14</sup>

Membership of the Panel, including the DHO, will observe the following guidelines:

- i. Members will be selected from a pool of faculty who have agreed to serve for a term of one or more years.
- ii. Only mixed-gender Panels that have received training in handling complaints involving sexual misconduct will hear sexual misconduct cases.
- iii. Faculty serving on a Panel may not share a professional, personal or academic department affiliation (e.g., have a faculty appointment or be enrolled in a course of study) with either of the parties. Faculty asked to serve must recuse themselves or be dismissed if they have any professional or personal ties to either of the parties or to individuals with whom the parties are closely associated. Faculty with personal knowledge of the alleged incident of sexual misconduct also must recuse themselves or be dismissed.
- iv. The University will train members of the pool to fulfill their responsibilities as adjudicators according to the procedures and policies outlined here and to ensure compliance with Title IX and other applicable state and federal guidelines. In addition, the Panel will be provided with “just in time” training on adjudicating sexual misconduct cases, unless the Panel members have recently been trained.
- v. No member of the Investigative Team may serve on the Panel; however, any such individual may be interviewed by the Panel regarding the investigation. The AVP or IO may assist the DHO as needed in organizational and administrative matters related to the Panel.
- vi. The complainant and respondent will be notified of the membership of the Panel in advance of the Hearing. Any challenges for cause against individual Panel members must be made promptly so as not to delay the conduct of the Hearing and will be given serious consideration by the DHO to ensure impartiality of the proceedings.
- vii. All proceedings must be kept strictly confidential among the parties, witnesses and members of the Panel. All individuals involved in such Hearings must agree to such conditions of confidentiality.

### (b) Hearing Procedures

Hearings must be prompt, fair and impartial, affording the complainant’s allegations and the respondent’s defenses all due consideration and protecting the rights of both parties. The Panel will review the Investigative Team’s final report, including any responses, objections or comments provided by the complainant and/or respondent. The Panel will also carefully review the evidentiary record, including witness statements, documents and physical evidence.

### Hearing Panel Interviews

- i. The Panel will interview separately the IO (and co-investigator(s) if the Panel so chooses), the complainant and the respondent. The Panel will provide the complainant and respondent with 10 days’ advance notice of the Hearing. If reasonably possible, interviews will be conducted on one day, but if such scheduling would require an unreasonably long day, or if such scheduling would unreasonably delay the proceeding, the Hearing may be scheduled over multiple days.
- ii. The Panel may seek additional evidence from the IO and interview key witnesses on whom the IO relied in drawing their conclusions, as well as

request additional evidence from the IO to clarify the evidentiary record, provided that it can do so without unreasonably delaying the process. In the event that a new witness comes forward during the Hearing who was not originally interviewed by the IO, or new evidence is discovered after the IO has issued their report, the DHO may allow that witness to be interviewed or admit the evidence to the Hearing, but only if the DHO judges the new witness or evidence to be relevant to an accurate and fair determination of the outcome.

iii. The Hearing will be held in private. Initial interviews will be conducted by the Panel and each party's advisor will then have an opportunity to pose questions to the other party and any witnesses. Only the person interviewed (and in the case of the parties, that person's advisor or outside counsel) will be present during the Panel interview. The complainant or respondent (and their advisor or outside counsel, as applicable) will be able to view interviews from separate rooms via closed-circuit television or similar video transmission.

iv. Subject to the protections set forth in Section D2 above, the Panel has wide latitude when questioning the complainant, the respondent and any witnesses in order to determine the accuracy of the report.

v. The complainant and respondent may propose witnesses and provide specific questions in advance that they believe important to ask of other parties or witnesses. The parties' advisors also may ask questions of the other party and witnesses during the Hearing subject to the DHO's determination of relevance or other appropriate reasons. The DHO, in consultation with the Panel, will determine the relevance as well as the appropriateness of witnesses and questions, and may accordingly place restrictions on, include or exclude witnesses or other information.

vi. When the Panel is conducting the interview of the complainant and respondent, each may bring an advisor or outside counsel with them to provide advice and support. The advisor or outside counsel will be permitted to direct relevant questions to the other party or to witnesses. The advisor or outside counsel, complainant, or respondent may be excluded from the interview by the DHO for disruptive behavior.

vii. The interviews by the Panel will be recorded (audio only). No observers will be permitted to make any audio or video recordings.

### **(c) Hearing Panel Decision**

After the Hearing concludes, the Panel will immediately deliberate in private to decide whether, by a preponderance of the evidence, the respondent has violated the University's Sexual Misconduct Policy. Preponderance of the evidence means that the Panel must find that it is more likely than not that the faculty member is responsible for a violation of the Policy. A finding of responsibility requires a majority vote of the members of the Panel.

i. If the respondent is found responsible, the Panel will also recommend an appropriate sanction, by majority vote, based upon the facts of the case and University precedent, with a presumption in favor of the sanction recommended by the Investigative Team.

ii. The Panel will arrive at its conclusion as expeditiously as possible and will promptly advise both the complainant and the respondent in writing of its decision with respect to responsibility and, if applicable, recommended sanctions. In keeping with guidelines for timely resolution as provided in Section D1 above, the written decision will be provided as soon after the conclusion of the proceeding as is possible.

## **8. SANCTIONS**

After a final decision has been rendered by the Panel, the matter is presented to the Dean of the school in which the respondent has a primary appointment for procedures related to sanctions, if applicable. The Dean is provided the final investigative report, along with the Panel's decision and the appellate decision (if any).

(a) If the respondent is a member of the Standing Faculty, the Dean will follow the procedures described in the Faculty Handbook's section regarding Procedure Governing Sanctions Taken Against Members of the Faculty (Section II.E.16), as appropriate, to determine what, if any, sanction should be imposed against the respondent based on the determination of the Investigative Team, and if applicable, the Panel, and following the Dean's consultation with the Vice Provost for Faculty.

(b) If the respondent is a member of the Associated Faculty, the Dean will consider the determination of the Investigative Team, as well as the Panel and consult with the Vice Provost for Faculty before implementing an appropriate sanction.

(c) The matter will be referred to the Provost to determine the appropriate sanction in the event that the Dean is the respondent or if referral to the Dean would create an actual or apparent conflict of interest.

## **E. Resource Offices**

### **1. CONFIDENTIAL RESOURCES**

Generally, the information shared with confidential resources will be held in confidence, consistent with the University's obligation to address complaints of sexual misconduct, unless the person sharing the information gives their consent to the disclosure of that information. Non-identifying information regarding complaints should be provided to the AVP for purposes of assuring compliance with Title IX and other applicable laws and regulations. Confidential resources are not obligated to share identifying information with the AVP when an incident of sexual violence is shared with that resource. However, the commitment to confidentiality does not preclude the sharing of information among University administrators as appropriate to keep members of the University community safe. In addition, confidential resources should submit non-identifying information about incidents of sexual misconduct to the Division of Public Safety for the purpose of crime statistics reporting under the Clery Act. (For additional information regarding requirements, see the Clery Act & Crime Reporting page at <https://www.publicsafety.upenn.edu/clery/>). The University's confidential resources are:

#### **Special Services Department, Division of Public Safety**

24-hours/7 days per week: (215) 898-6600  
4040 Chestnut Street  
<http://www.publicsafety.upenn.edu/special-services/>

#### **Penn Women's Center**

(215) 898-8611  
3643 Locust Walk  
<http://www.pwc.vpul.upenn.edu>

#### **Lesbian Gay Bisexual Transgender Center**

(215) 898-5044  
3907 Spruce Street  
<https://www.lgbtc.vpul.upenn.edu>

#### **African-American Resource Center**

(215) 898-0104  
3643 Locust Walk

<http://www.upenn.edu/aarc/>

**Office of the University Chaplain**

(215) 898-8456  
240 Houston Hall, 3417 Spruce Street  
<http://www.upenn.edu/chaplain/>

**Office of the Ombuds**

(215) 898-8261  
113 Duhring Wing, 236 S. 34th Street  
<http://www.upenn.edu/ombuds/>

**Employee Assistance Program, Health Advocate**

(866) 799-2329  
[www.healthadvocate.com/upenn](http://www.healthadvocate.com/upenn) (<http://catalog.upenn.edu/pennbook/sexual-misconduct-resource-offices-complaint-procedures/>)  
[www.healthadvocate.com/upenn/](http://www.healthadvocate.com/upenn/))

**Penn Violence Prevention**

(215) 746-2642  
VPUL, 3539 Locust Walk  
<https://pvp.vpul.upenn.edu>

**2. OFFICIAL REPORTING OFFICES FOR SEXUAL MISCONDUCT COMPLAINTS**

If reports of sexual misconduct are made with or come to the attention of the following offices, they must ensure that appropriate action is taken, including notifying the University's AVP and Title IX Officer:

**Office of Affirmative Action and Equal Opportunity Programs**

(215) 898-6993  
Suite 421, Franklin Building  
<http://www.upenn.edu/affirm-action> (<http://www.upenn.edu/affirm-action/>)

**Student Intervention Services, VPUL**

(215) 898-6081  
(215) 768-6527 Nights/Weekends  
3611 Locust Walk  
<https://sis.vpul.upenn.edu>

**Office of Student Conduct**

(215) 898-5651  
Suite 400, 3440 Market Street  
<https://www.osc.upenn.edu/>

**Office of Staff and Labor Relations, Division of Human Resources**

(215) 898-6093  
Suite 600, Franklin Building  
<https://www.hr.upenn.edu/workplace-issues/staff-labor-relations>  
(<https://www.hr.upenn.edu/workplace-issues/staff-labor-relations/>)

**3. INVESTIGATIVE OFFICE FOR ALL SEXUAL MISCONDUCT COMPLAINTS**

The official office for reporting, initiating a formal complaint, and investigation of violations of the Sexual Misconduct Policy, including violations of the Sexual Harassment Policy, is the Office of the Associate Vice President for Equity and Title IX Officer. The contact information for that Office is:

**Associate Vice President for Equity and Title IX Officer**

(215) 898-2887  
3901 Walnut Street, Suite 320

<https://titleixoffice.upenn.edu>

**V. Procedures for Resolving Complaints of Sexual Misconduct Against Staff**

**A. Introduction**

The University of Pennsylvania is committed to providing a safe and healthy environment, free of gender-based misconduct, to all members of our community and visitors to our community. As such, sexual harassment, sexual assault, sexual violence, relationship violence, and stalking will not be tolerated. In order to ensure the creation of a climate where members of the community are able to thrive and achieve their full potential, the University has developed a wide range of policies, educational programs, broad-based resources, support, and reporting systems. These procedures supplement these other policies and initiatives, addressing the process by which complaints against a University staff member for a violation of its Sexual Misconduct Policy (which includes its Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy ("Sexual Harassment Policy") and the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policy) will be investigated and resolved.

**B. Confidentiality**

Confidentiality is of critical importance in ensuring that these sensitive matters are handled appropriately. The University has an obligation to respond to violations of its Sexual Misconduct Policy as fairly and expeditiously as possible when a complaint is received. University staff and faculty may share information with others who have a legitimate need to know in order to fairly and effectively address complaints, but the information should be considered confidential and should be protected to the extent possible consistent with legal obligations. Such administrators may include, for example those in, the Division of University Life, the Division of Human Resources, the Office of the Associate Vice President and Title IX Officer (AVP), the Division of Public Safety, Senior Vice President for Institutional Affairs and Chief Diversity Officer, the Office of General Counsel, the Employee Assistance Program, Deans, Vice Provosts, and Vice Presidents of administrative divisions.

**C. Reporting Complaints of Sexual Misconduct**

**1. OFFICE OF THE ASSOCIATE VICE PRESIDENT AND TITLE IX OFFICER**

The Office of the Associate Vice President and Title IX Officer (AVP) will be responsible for ensuring that all complaints made against a University staff member alleging a violation of the University's Sexual Misconduct Policy (which includes the Sexual Harassment and Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings Policies) are handled appropriately. All AVP responsibilities as described in these procedures will be performed directly by the AVP or by the AVP's designee.

Complaints must either be presented in writing or based upon information provided by the complainant or another individual making the report to the AVP (or designee) who will then memorialize the allegations in writing and ask the complainant to confirm the allegations. Complainants may include University students, staff, or faculty members, participants in a University-sponsored activity, or others alleging a violation of the Policy by a current University staff member.

## 2. OFFICE OF THE DISTRICT ATTORNEY AND OFFICE FOR CIVIL RIGHTS

Complainants may also choose to file a report with the District Attorney, the Office for Civil Rights of the U.S. Department of Education, or other external agencies. The University's processes and the legal system work independently of one another, and the University has its own interest in, and responsibility for, the enforcement of its Sexual Harassment Policy.<sup>15</sup> Therefore, the University will not unilaterally defer its processes pending the outcome of a criminal process, nor will the outcome of any legal process be determinative of the University result. The University will, however, comply with reasonable requests by law enforcement for cooperation, and upon reasonable request, may temporarily suspend its factfinding process in a sexual misconduct investigation so as not to impede the law enforcement process.

## 3. SUPPORT, COUNSELING AND ADVICE

In making a decision about whether to file a complaint, complainants may seek support, counseling, and advice from other offices on campus. A list of these offices is provided in Section III below. Should the complainant decide to proceed with a University investigation and resolution process against a University staff member, the Office of the AVP will be the single place to initiate the process.<sup>16</sup>

## 4. TIMEFRAME FOR SUBMITTING A COMPLAINT

The University does not limit the timeframe for making a report of a violation of the Sexual Misconduct Policy. Reports may be made at any time, although the University's ability to investigate or take action may be limited by the passage of time, or by changes in the employment relationship of the alleged respondent at the time the report is made.

## 5. COMPLAINANT REQUEST FOR CONFIDENTIALITY

The University is required by Title IX to weigh the complainant's request for confidentiality/privacy with the University's commitment to provide a reasonably safe and nondiscriminatory environment. In situations where a complainant requests confidentiality, the University's ability to investigate and respond to the allegations may be limited. The AVP will notify the complainant if the University cannot, in unusual cases, maintain the complainant's confidentiality/privacy. The complainant's and respondent's identities will only be revealed to those individuals who need to know their names in order to investigate, resolve the complaint or provide interim measures. If the University becomes aware of behavior or a pattern of behavior by one or more respondents, the University will take appropriate action in an attempt to protect the University community.

## D. Investigation and Resolution of Complaints

The Office of the Associate Vice President for Equity and Title IX Officer (AVP) is responsible for overseeing the informal or formal resolution of all complaints made against a University staff member for a violation of the University's Sexual Misconduct Policy. Complaints should be made with the AVP who will ensure that complaints are investigated by a trained Investigative Officer (IO), who will select a co-investigator to form the Investigative Team. The Investigative Team will consult with the Dean of the school or Vice President of the division in which the respondent works, or the Vice President for Human Resources in any case for which the Dean or Vice President has an actual or the appearance of a conflict of interest or is implicated in the complaint.

Complaints must either be presented in writing or based on information provided by the complainant or another individual making the report who will then memorialize the allegations in writing and ask the complainant to confirm them. Complainants may include University students, staff or

faculty member, as well as others both within and outside the University community, alleging a violation of the University's Sexual Misconduct Policy by a University staff member.

## 1. TIMELY RESOLUTION

The process of resolving complaints, exclusive of any appeal, should be completed, unless there are special circumstances, within 60 business days of the filing of the written complaint. The appeal should be completed, absent special circumstances, within 30 business days of the filing of the appeal.

The complainant and the respondent will both be provided with a copy of the Investigative Team's decision and given 10 business days from the date of the transmittal of that decision to file an appeal.

## 2. RIGHTS AND PROTECTIONS FOR COMPLAINANT AND RESPONDENT

(a) The complainant and respondent have the right to a process that is fundamentally fair, and free of bias or prejudice.

(b) The complainant and respondent have the right to be treated with respect, dignity, sensitivity, and fairness throughout the entire process. They are both entitled to seek support from the University and to be informed about the process both before the process is initiated and throughout the process as it unfolds.

(c) Both parties have the right to participate in the process, or to refrain from participation.<sup>17</sup> The failure to participate will not be used as evidence against either party, but also will not prevent the process from proceeding unless the complainant withdraws the complaint and the University agrees to abide by that request

(d) Both parties may have an advisor present when being interviewed by the Investigative Team, but the advisor will not be permitted to present statements, seek the production of evidence, or question any witnesses during the investigative stage of the process.

(e) Evidence of prior sexual conduct by the complainant or respondent with other partners will not be considered in the process, and any evidence of a prior sexual relationship between the parties will not be determinative of the issue of consent. If there is credible evidence of a pattern of violations of the Sexual Misconduct Policy, evidence that helps to establish such a pattern may be considered.

(f) While the process is underway, appropriate interim measures will be taken to protect the parties. The Office of Staff and Labor Relations in the Division of Human Resources (or another appropriate office), in consultation with the respondent's supervisor, will implement interim measure to protect the parties consistent with principles of fairness. The Office of Staff and Labor Relations in the Division of Human Resources (or other appropriate office) will work with the complainant and respondent to ensure that both parties have access to support and assistance during the process.

## Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings

If the AVP determines that the complaint involves a possible violation of the Consensual Romantic and Sexual Relationships in the Workplace and Educational Settings and not the Sexual Harassment, Sexual Violence Relationship Violence or Stalking Policy, the complaint will be investigated by an IO, working with the appropriate Dean or Vice President, or in the event of an actual or perceived conflict of interest, the Vice President for Human Resources. The facts, conclusions, and

recommendations reached by the IO will be reported to the appropriate Vice President or Dean. In the event of a finding of responsibility for a violation of the Sexual Misconduct Policy, appropriate disciplinary action will be taken.

Any disciplinary action taken against a staff person is subject to appeal by either party in writing to the Vice President for Human Resources (or designee) and the Dean of the school, Vice President of the division, or Vice Provost of the division in which the respondent works, who jointly have exclusive jurisdiction to decide appeals.

i. Appeals should be submitted to the AVP within 10 business days of transmission of the decision of the Investigative Team. Letters of appeal should specifically state whether the objection is to the judgment of a violation of University policy, the recommended sanction, or both, and explain in detail the grounds for appeal.

ii. The Vice President for Human Resources (or designee) and the Dean or Vice President of the school or division will review the report of the Investigative Team to ensure that the process was consistent with University policy and that the decision was not arbitrary or capricious. Any supporting evidence, and any other relevant materials may also be reviewed by the Vice President for Human Resources (or designee) and the Dean or Vice President of the relevant school or division at their discretion.

iii. After considering the appeal, the Vice President for Human Resources (or designee) and the relevant Dean or Vice President (or designee) will promptly notify the parties in writing as to whether the Investigative Team's decision will be upheld or modified. The decision of the relevant Dean or Vice President and the Vice President for Human Resources will be final.

### **Sexual Harassment, Sexual Violence, Relationship Violence and Stalking**

If the AVP determines that the complaint involves a possible violation of the Sexual Harassment, Sexual Violence Policy, Relationship Violence and Stalking Policy (Sexual Harassment Policy) the procedures set forth below will apply.

#### **1. PRELIMINARY DETERMINATION**

Upon receiving a complaint, the AVP will make a preliminary determination as to whether the complaint falls within the purview of the Sexual Misconduct Policy and whether, on its face, there appears to be a sufficient basis to conduct a full investigation. In making this determination, the AVP may interview the complainant and the respondent (after advising the respondent of the allegations in writing) and conduct whatever preliminary investigation the AVP deems necessary to determine if the actions alleged in the complaint would, if true, constitute a violation of the University's Sexual Harassment Policy) and there is a reasonable basis for investigating the complaint. If the AVP concludes there is insufficient basis to proceed, the matter will be concluded, and the parties so advised.

#### **2. INVESTIGATION**

If the AVP makes the determination that there is a sufficient basis to proceed, a Statement of Charge Letter will be issued, based on the complaint and any preliminary investigation conducted. The Charge Letter will be provided to the complainant and the respondent. The respondent will be provided the opportunity to respond in writing to the Charge, and any response will be shared with the complainant. The Dean or Vice President of the division in which the respondent is employed will also receive a copy of the Charge Letter.

The AVP will appoint an Investigative Officer (IO) to lead a thorough and impartial investigation, assisted by one or more co-investigators who may come from the school or center of one of the parties or from elsewhere in the University (the "Investigative Team"). The co-investigator(s) will be University staff or faculty members appropriately trained to investigate and handle sexual misconduct cases who will be selected for individual cases by the IO. The investigation will include interviews of the complainant and respondent, interviews of witnesses, and review of documentation, physical evidence, and any other relevant evidence.

Prior to interviews, the complainant, the respondent, and any relevant witnesses will be informed by the IO that statements they make during the process may be admissible in concurrent or subsequent civil or criminal court proceedings and will accordingly also be informed of their rights as outlined in Section B above. The parties will be advised of the seriousness of the proceeding and the expectation that the information they provide is both accurate and complete. Any false or misleading statements may subject the party making such statements to proceedings under the applicable University policy, handbook, code and/or charter. The complainant and respondent may have their advisors<sup>18</sup> and/or outside counsel present for their interviews, but the advisors or outside counsel will not be permitted to participate in the interview other than to provide advice to the person they have accompanied, and they may be excluded from the interview for disruptive behavior.

In conducting the investigation, the Investigative Team may, as appropriate, also consult with other campus officials including but not limited to administrators in the relevant division(s), school(s), Public Safety, the AVP and Title IX Officer, the Senior Vice President for Institutional Affairs and Chief Diversity Officer, or the Vice President for Human Resources. The Investigative Team may also consult with the Office of General Counsel, who may determine in particular cases to engage outside counsel to assist the University throughout this process. The Investigative Team may engage forensic and other experts, as needed.

#### **3. INVESTIGATIVE REPORT**

At the conclusion of the investigation, the Investigative Team will prepare a draft report, including assessments of credibility, a finding as to whether there has been a violation of University policy, and, if applicable, recommended disciplinary action. In making a determination regarding responsibility, the Investigative team will use a preponderance of the evidence standard. In other words, to find a staff member responsible for violating the Sexual Misconduct Policy, the Investigative Team must be convinced that it is more likely than not that a violation of the Policy has occurred.

##### **(a) Opportunity for Review and Comment**

The draft investigative report and related exhibits and evidence will be provided to both the complainant and respondent for review and comment, under strict instructions that they are and at all times remain strictly confidential, and are not to be shared with anyone other than their families and advisors or outside counsel, as described above without the expressed consent of the AVP. Sharing of the draft report by either party, their families, advisors or outside counsel with any additional persons is strictly prohibited and anyone with whom the report is shared must be so advised. The complainant and the respondent will be given the opportunity to respond to and comment on the draft investigative report in writing.

**(b) Final Report**

As a result of the response and comments received, the Investigative Team may conduct a further investigation and/or amend the draft report, if the Team determines either action to be warranted. A final investigative report will be prepared, incorporating any changes, and shared with the complainant and the respondent. The complainant and respondent may submit formal objections or comments to the final report, which will be shared with the other party and be appended to the final report of the matter.

**4. RESOLUTION WITHOUT A HEARING**

The matter may be resolved at this stage if both parties agree to the recommendations of the Investigative Team with respect to responsibility and, if applicable, sanctions, or if the parties otherwise reach a mutually acceptable resolution. The University, however, will not compel either the complainant or the respondent to engage in face-to-face mediation or to accept the recommendations of the Investigative Team.

**5. HEARING PANEL**

If the matter is not resolved at this stage in a mutually acceptable manner, either party may request a hearing before a Hearing Panel (Panel) within 10 business days of transmission of the final report.

**(a) Panel Membership**

The Panel will be comprised of three (3) faculty members and the Designated Hearing Officer (DHO), who will be a non-voting member. The DHO will make all decisions about the organization of the Panel, including decisions regarding the admissibility of evidence, witnesses to appear before the panel, or any additional decisions regarding the administration of the hearing process.<sup>19</sup> Members of the Panel, including the DHO, will observe the following guidelines:

- i. Members will be selected from a pool of faculty who have agreed to serve for a term of one or more years.
- ii. Only mixed-gender panels of faculty who have participated in training on handling complaints involving sexual misconduct will hear sexual misconduct cases.
- iii. Faculty appearing on a Panel may not share an academic department affiliation (e.g., has a faculty appointment or is enrolled in a course of study) with either of the parties, nor may any faculty member serve on the Panel who has a professional, or personal relationship with either of the parties. Faculty asked to serve must recuse themselves or be dismissed if they have any personal or professional ties to either of the parties or to individuals with whom the parties are closely associated. Faculty with personal knowledge of the alleged incident of sexual misconduct also must recuse themselves or be dismissed.
- iv. The University will train members of the pool to fulfill their responsibilities as adjudicators according to the procedures and policies outlined here and to ensure compliance with Title IX and other applicable state and federal guidelines. In addition, the Panel will be provided with "just in time" training on adjudicating sexual misconduct cases, unless the Panel members have recently been trained.
- v. No member of the Investigative Team may serve on the Panel; however, any such individual may be interviewed by the Panel regarding the investigation. The AVP or IO may assist the DHO as needed in organizational and administrative matters related to the Panel.
- vi. The complainant and respondent will be notified of the membership of the Panel in advance of the Hearing. Any challenges for cause against individual Panel members must be made promptly to the DHO so as

not to delay the conduct of the Hearing. The DHO will give serious consideration to any challenges made to ensure impartiality of the proceedings.

vii. All proceedings must be kept strictly confidential among the parties, witnesses and members of the Panel. All individuals involved in such Hearings must agree to such conditions of confidentiality.

**(b) Hearing Procedures**

Hearings must be prompt, fair and impartial, affording the complainant's allegations and the respondent's defenses all due consideration and protecting the rights of both parties. The Panel will review the Investigative Team's final report, including any responses, objections or comments provided by the parties. The Panel will also carefully review the evidentiary record, including witness statements, documents and physical evidence.

**Hearing Panel Interviews**

- i. The Panel will interview separately the IO (and co-investigator(s) if the Panel so chooses), the complainant and the respondent. The Panel will provide the complainant and respondent with ten days (10) advance notice of the Hearing. If reasonably possible, interviews will be conducted on one day, but if such scheduling would require an unreasonably long day, or if such scheduling would unreasonably delay the proceeding, the Hearing may be scheduled over multiple days.
- ii. The Panel may seek additional evidence from the Investigative Team and interview key witnesses on whom the Investigative Team relied in drawing their conclusions, as well as request additional evidence from the IO to clarify the evidentiary record, provided that it can do so without unreasonably delaying the process. In the event that a new witness comes forward during the Hearing who was not originally interviewed by the Investigative Team, or new evidence is discovered after the Investigative Team has issued their report, the DHO may allow that witness to be interviewed or admit the evidence to the hearing, but only if the DHO judges the new witness or evidence to be relevant to an accurate and fair determination of the outcome.
- iii. The Hearing will be held in private. Only the person being interviewed (and in the case of the parties, that person's advisor or outside counsel) will be present when the Hearing is in session. The complainant or respondent (and their advisor or outside counsel, as applicable) will be able to view interviews from separate rooms via closed-circuit television or similar video transmission.
- iv. Subject to the protections set forth in Section D2 above, the Panel has wide latitude when questioning the complainant, the respondent and any witnesses in order to determine the accuracy of the report.
- v. The complainant and respondent may propose witnesses and provide specific questions in advance that they believe important to ask of other parties or witnesses. The parties' advisors may also interview the other party and witnesses called by the Panel. The DHO, in consultation with the Panel, will determine the relevance as well as the appropriateness of witnesses and questions, and may accordingly place restrictions on, include or exclude witnesses or other information.
- vi. When the Panel is conducting the interview of the complainant and respondent, each may bring an advisor or outside counsel with them to provide advice and support. The advisor or outside counsel will be permitted to direct relevant questions to the other party or to witnesses. The advisor or outside counsel may be excluded from the interview by the DHO for disruptive behavior.

vii. The interviews by the Panel will be recorded (audio only). No observers will be permitted to make any audio or video recordings.

### (c) Hearing Panel Decision

After the Hearing concludes, the Panel will immediately deliberate in private to decide whether, by a preponderance of the evidence, the respondent has violated the University's Sexual Misconduct Policy. Preponderance of the evidence means that the Panel must find that it is more likely than not that the staff member is responsible for a violation of the Policy. A finding of responsibility requires a majority vote of the members of the Panel.

i. If the respondent is found responsible, the Panel will also recommend an appropriate sanction, by majority vote, based upon the facts of the case and University precedent, with a presumption in favor of the sanction recommended by the Investigative Team.

ii. The Panel will arrive at its conclusion as expeditiously as possible and will promptly advise both the complainant and the respondent in writing of its decision with respect to responsibility and, if applicable, recommended sanctions. In keeping with guidelines for timely resolution as provided in Section A above, the written decision will be provided as soon after the conclusion of the proceeding as is possible.

## E. Appeals

Either party may appeal the decision of the Hearing Panel by submitting a written request within 10 business days of transmission of the decision of the Hearing Panel. Letters of appeal should specifically state whether the objection is to the judgment of a violation of University policy, the recommended sanction, or both, and explain in detail the grounds for appeal. The request for an appeal (including any attachments) will be shared with the other party who will have the opportunity to respond or to direct comments to the DAO within 10 business days. Any such response or comments will be shared with the other party.

The DAO will review the report of the Investigative Team and supporting evidence, the audio record of the Panel Hearing, and any other material the DAO deems relevant, in addition to the decision of the Panel to ensure that the process was consistent with University policy, that the result was not arbitrary or capricious, that there were no procedural irregularities, that there was no demonstrated bias or conflict of interest on the part of any fact-finder, and that no new evidence has been brought forward that would alter the outcome of the Hearing.

After considering the appeal, the DAO will promptly issue their decision in writing and will provide copies to the DHO, the Provost, the Senior Vice President for Institutional Affairs and Chief Diversity Officer, the Vice President for Human Resources, the complainant, respondent, and other appropriate parties.

## F. Resource Offices

### 1. CONFIDENTIAL RESOURCES

Generally, the information shared with confidential resources will be held in confidence, consistent with the University's obligation to address complaints of sexual misconduct, unless the person sharing the information gives their consent to the disclosure of that information. Non-identifying information regarding complaints should be provided to the AVP for purposes of assuring compliance with Title IX and other applicable laws and regulations. Confidential resources are not obligated to share identifying information with the AVP when an incident of sexual misconduct is shared with that resource. However, the commitment to confidentiality does not preclude the sharing of information among University administrators as appropriate to keep members of the

University community safe. In addition, confidential resources should submit non-identifying information about incidents of sexual misconduct to the Division of Public Safety for the purpose of crime statistics reporting under the Clery Act. (For additional information regarding requirements, see the Clery Act & Crime Reporting page at <https://www.publicsafety.upenn.edu/clery/>). The University's confidential resources are:

#### Special Services Department, Division of Public Safety

24-hours/7 days per week: (215) 898-6600  
4040 Chestnut Street  
<http://www.publicsafety.upenn.edu/special-services/>

#### Penn Women's Center

(215) 898-8611  
3643 Locust Walk  
<http://pwc.vpul.upenn.edu>

#### Lesbian Gay Bisexual Transgender Center

(215) 898-5044  
3907 Spruce Street  
<https://lgbtc.vpul.upenn.edu/>

#### African-American Resource Center

(215) 898-0104  
3643 Locust Walk  
<http://www.upenn.edu/aarc/>

#### Office of the University Chaplain

(215) 898-8456  
240 Houston Hall, 3417 Spruce Street  
<http://www.upenn.edu/chaplain/>

#### Office of the Ombuds

(215) 898-8261  
113 Duhring Wing, 236 S. 34th Street  
<http://www.upenn.edu/ombuds/>

#### Employee Assistance Program, Health Advocate

(866) 799-2329  
[www.healthadvocate.com/upenn](http://www.healthadvocate.com/upenn) (<http://catalog.upenn.edu/pennbook/sexual-misconduct-resource-offices-complaint-procedures/www.healthadvocate.com/upenn/>)

## 2. OFFICIAL REPORTING OFFICES FOR SEXUAL MISCONDUCT COMPLAINTS

If reports of sexual misconduct are made with or come to the attention of the following offices, they must ensure that appropriate action is taken, including notifying the University's AVP and Title IX Officer.

#### Office of Affirmative Action and Equal Opportunity Programs

Suite 421, Franklin Building  
(215) 898-6993  
<http://www.upenn.edu/affirm-action/>

#### Student Intervention Services, VPUL

(215) 898-6081  
(215) 768-6527 Nights/Weekends  
3611 Locust Walk  
<https://sis.vpul.upenn.edu>

#### Office of Student Conduct

Suite 400, 3440 Market Street  
(215) 898-5651

<https://www.osc.upenn.edu/>

**Office of Staff and Labor Relations, Division of Human Resources**

Suite 600, Franklin Building

(215) 898-6093

<https://www.hr.upenn.edu/workplace-issues/staff-labor-relations>

(<https://www.hr.upenn.edu/workplace-issues/staff-labor-relations/>)

**3. INVESTIGATIVE OFFICE FOR SEXUAL MISCONDUCT COMPLAINTS**

The official office for reporting, initiating a formal complaint, and investigation of violations of the Sexual Misconduct Policy, including violations of the Sexual Harassment Policy, is the Office of the Associate Vice President for Equity and Title IX Officer. The contact information for that Office is:

**Associate Vice President for Equity and Title IX Officer**

3901 Walnut Street, Suite 320

(215) 898-2887

<https://titleixoffice.upenn.edu>

<sup>1</sup> The terms “harassment” and “sexual harassment” are used throughout and are defined as a matter of University policy, and are not necessarily identical or limited to the uses of the term in external sources, including governmental guidelines, laws, regulations or legal decisions. The Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy and the Consensual Romantic and Sexual Relations in the Workplace and Educational Setting Policy are sometimes referred to together as the “Sexual Misconduct Policy.”

<sup>2</sup> For purposes of this policy, “faculty” includes (but is not limited to) standing faculty, clinical faculty, associated faculty, and academic support staff, as well as clinical or lab supervisors, postdoctoral fellows, house staff, residents, graduate and undergraduate teaching assistants, and any other person providing instruction, academic advising, or academic oversight of an enrolled student in any school, course, or program, including summer and off-campus programs, irrespective of geographical location.

<sup>3</sup> “Academic responsibility” includes (but is not limited to) teaching, grading, mentoring, advising, or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for admissions, employment, fellowships, or awards. In this context, students include graduate and professional school students, postdoctoral scholars, and clinical residents or fellows.

<sup>4</sup> This procedure amends and supersedes the Charter of the University of Pennsylvania Student Disciplinary System with respect to violations of University policy for behaviors that are defined in the University’s Sexual Misconduct Policy. It applies to each of the 12 schools, notwithstanding the existence of separate procedures that individual schools may have adopted for violations of laws or policies other than the University’s Sexual Misconduct Policy. If a complaint involves allegations of violations of the Sexual Misconduct Policy as well as other University policies, the matter can either be fully resolved using this process, or divided into two separate proceedings, as appropriate in any particular case.

<sup>5</sup> The University recognizes that it should proceed in cases where criminal charges are pending; however, respondents may choose not to participate in the disciplinary process in order to protect their Fifth Amendment rights. Such decision will not be used as evidence against

any respondent and the Hearing Panel will be instructed not to draw any adverse inference from the failure to participate.

<sup>6</sup> Please note that declining to respond to questions posed during a Hearing may impact the Panel’s ability to rely upon the information provided by that person.

<sup>7</sup> The University will provide to the parties a list of advisors in the Penn community who have been trained by the University to support both complainants and respondents in this process. The parties need not select an advisor from this list. The parties may also retain outside counsel in addition to, or instead of, using an advisor. The role of outside counsel, however, will be limited to an advisory role and counsel will not be permitted to have an active role in the investigation and will have a limited role during any resulting Hearing or appeal.

<sup>8</sup> In carrying out these responsibilities, the DHO may consult with the AVP, the Office of General Counsel and other appropriate office such as the Office of Student Conduct and the Senior Vice President for Institutional Affairs and Chief Diversity Officer. University administrators thus consulted will respect the confidentiality conditions of the proceedings.

<sup>9</sup> The decision as to whether a complaint involves sexual harassment is made by the AVP.

<sup>10</sup> The University recognizes that in the event criminal charges are pending, a respondent may choose not to participate in the process described in these procedures in order to protect his or her Fifth Amendment rights. Such decision will not be used as evidence against any respondent and the Hearing Panel will be instructed not to draw any adverse inference from the failure to participate.

<sup>11</sup> The AVP or the IO will work with other appropriate University offices, including the Division of University Life and the Vice Provost for Faculty, to determine if interim measures are appropriate.

<sup>12</sup> Please note that declining to respond to questions posed during a Hearing may impact the Panel’s ability to rely upon the information provided by that person.

<sup>13</sup> The parties will be advised, and acknowledge, that the Investigative Report, Exhibits and Drafts are confidential to be used by them and their families and advisors in connection with these proceedings.

<sup>14</sup> In carrying out these responsibilities, the DHO may consult with the AVP, the Office of General Counsel and other appropriate offices such as the Vice Provost for Faculty and the Senior Vice President for Institutional Affairs and Chief Diversity Officer. University officers thus consulted will respect the confidentiality conditions of the proceedings.

<sup>15</sup> The University recognizes that should it be proceeding in cases where criminal charges are pending, the respondents may choose not to participate in the process described in these procedures in order to protect their Fifth Amendment rights. Such decision will not be used as evidence against any respondent and the Hearing Panel will be instructed not to draw any adverse inference from the failure to participate.

<sup>16</sup> While the Investigative Officer will be responsible for managing the complaint investigation and resolution process, as described below, the AVP will work with other appropriate University offices, including the Office of Affirmative Action and Equal Opportunity Programs and the Division of Human Resources, to determine if interim measures are appropriate before a final resolution is reached.

<sup>17</sup> Please note that declining to respond to questions posed during a Hearing may impact the Panel's ability to rely upon the information provided by that person.

<sup>18</sup> The University will provide a list of advisors in the Penn community to complainants and respondents. Advisors will be offered training by the University to support both complainants and respondents in this process. The parties need not select an advisor from this list. The parties may also retain outside counsel in addition to, or instead of, using an advisor. The role of outside counsel, however, will be limited to an advisory role and counsel will not be permitted to have an active role in the investigation and will have a limited role during any resulting Hearing or appeal.

<sup>19</sup> In carrying out these responsibilities, the DHO may consult with the AVP, the Office of General Counsel and other appropriate offices such as the Vice Provost for Faculty and the Senior Vice President for Institutional Affairs and Chief Diversity Officer. University administrators thus consulted will respect the confidentiality conditions of the proceedings.

(Source: Almanac, July 19, 2022 ([https://almanac.upenn.edu/uploads/media/071922-sexual\\_misconduct\\_policy\\_supplement.pdf](https://almanac.upenn.edu/uploads/media/071922-sexual_misconduct_policy_supplement.pdf)))

# STUDENT ACTIVITIES COUNCIL FUNDING POLICIES AND GUIDELINES FOR STUDENT GROUPS

## Funding Policies for Student Groups

(The following policies are binding and must be adhered to by the Student Activities Council Executive Committee)

1. While determination may be made that organizations or activities are not eligible for funding, decisions on whether or not an organization or activity is denied funding will not be based on the content of the speech or expression of such organization or activity.
2. A student activity or program that is designed to support or oppose a particular party or candidate or to influence legislation will not be funded.
3. In accordance with University guidelines, Student Activities or programs designed to elicit support for religious ideologies and promote membership in sectarian groups will not be funded.
4. All activities must file and maintain complete capital equipment inventories with the Office of Student Life. This should be submitted in the beginning of the year with the annual registration form.
5. All activities are held responsible for full disclosure of all financial actions of the group to the Executive Committee (especially changes or planned changes in usage of allocated funds) upon penalty of immediate forfeiture of all funds remaining in their accounts.
6. All funded activities must maintain their own set of books upon penalty of immediate forfeiture of all funds remaining in their accounts. These should be available to the Executive Committee upon request.
7. Executive Committee members intimately connected with a student organization must declare their affiliations with these activities and may not vote on the allocations of that particular student activity. Furthermore, they may not attempt to influence the other Executive Committee members. They may function only as resource people.
8. No organization shall enter into any contract without the written consent of the Director of OSL or designee. Moreover, all monies involved must first be approved by the Executive Committee.
9. All activities must submit reports on the activities sponsored by the organizations during the previous year as a part of their annual budget requests.

Examples of programs or activities not eligible for funding under these criteria include:

1. College Democrats, College Republicans, or other groups designed to support a political party;
2. A student activity that is designed to or does in fact campaign on behalf of a candidate for public office or participate in a political campaign. For example, Students for Smith for Congress;
3. An activity designed to influence legislation.

These criteria would not prohibit funding a political forum at which different viewpoints are expressed.

## Funding Guidelines for Student Groups

(These guidelines are not binding on the Student Activities Council Executive Committee)

1. Duplication in activities will be eliminated; the better program in the Committee's judgment will be funded.
2. No mailings (summer or otherwise) will be funded.
3. Meal subsidies for members of student activities will not be funded.
4. Publications will be required to collect 25% of their total budgeted operation through advertising or other revenue. If this is not done, the Executive Committee will freeze the account. Any changes in the status of a publication (e.g. dates, issue size, copies printed) must be reported to the Executive Committee Liaison.
5. All publications printing more than one issue per academic year must submit a schedule of distribution dates to the Executive Committee with their annual budget request. Complete copy for each issue must be submitted to the printer at least three weeks prior to the date of distribution. Failure to meet this requirement will result in the cancellation of one issue. Under no circumstances may a publication submit copy after April 1st or distribute an issue after the third week of April.
6. No individual can be paid a salary or wage for services which can or should be rendered by a student.
7. All capital equipment allotted to an activity must be stored in a University facility.
8. Concerning conferences and travel for non-competitive groups, travel will be funded ONLY if a group provides proof that said travel is essential to the operation of that group (e.g., required by national charter or necessary for national membership). In this case, only one-half of all travel and lodging will be funded. In this case, only one-half of all travel and lodging or \$250 per person for travel and lodging will be funded.
9. No funding will be given for SAC student-run conferences. All cost must be covered in the conference registration fees (or by other sources of income).
10. The cost of printing tickets for all events should be covered in the price of the tickets.
11. No funding will be given for printing of Newsletters.
12. If a SAC-paid director or coach requests his/her salary before the normal end of semester pay date, he/she may be paid 20% of the total semesterly salary. The remaining 80% will be paid at the semester's end.
13. Any group seeking to bring a speaker must approach Connaissance for co-sponsorship before approaching the Executive Committee. The Executive Committee will not fund speakers if the speaker is specific only to the group's members and is not appropriate or relevant to the whole University community. Honoraria request to the Executive Committee must not exceed \$100.
14. The Executive Committee may decide to reconsider a request denied to an organization if
  - a. legitimate factors (e.g., number of members) have changed to make the original circumstances regarding the decision no longer valid, OR
  - b. the parties involved (e.g., SAC Representative, Executive Committee, Executive Liaison) feel strongly that an honest misunderstanding took place regarding the facts and figures of the particular case.

15. The Executive Committee does not fund international travel for competitive groups. This differs from national championships/tournaments which may be funded upon request and demonstration of appropriate need by the competitive group.
16. Any program which is considered campus wide, social, shall be referred to SPEC.
17. If a program is being partially funded by the Social Planning and Events Committee, it will not be funded by the Student Activities Council.
18. No funding will be given retroactively.
19. Membership dues to national organizations will only be funded if deemed essential for the group's existence as a group in the Penn community and/or for the proper functioning of the group and then only for the absolute minimum number of members required to achieve and maintain membership in the national organization.
20. Any budgets (excluding contingency request) submitted after the allocation process has been completed in February/March of the spring semester will be subject to a 25% budget reduction.

# STUDENT GRIEVANCE PROCEDURES

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Federal law requires the University to designate an employee to coordinate its compliance, including the investigation of complaints with Title VI of the Civil Rights Act of 1964, Title IX of the Education amendments of 1972, and the Rehabilitation Act of 1973. In addition, the University is required to have procedures for the resolution of student and employee grievances alleging violations of these laws.

Any student in the University who feels that he or she has been discriminated against by an individual or office acting for the University or that the University is not complying with the requirements of Title VI, Title IX, or the Rehabilitation Act, has a right to register a complaint and seek redress of his or her grievance. The student may take his/her complaint to the following University offices:

## Office of Affirmative Action & Equal Opportunity Programs

The Office of Affirmative Action & Equal Opportunity Programs monitors the University's equal opportunity/affirmative action policies and programs. The Office also is responsible for coordinating complaints with non-discrimination laws (including investigating complaints and coordinating programs for the disabled). The OAA staff is available to consult with faculty, staff, students, and members of the community who have questions or concerns regarding the application or possible violation of these policies, Title VI or Title IX. The Office is located at

Franklin Building  
3451 Walnut Street, Suite 421  
Philadelphia, PA 19104-6205  
Telephone: 215.898.5497; Fax number: 215.746.7088

In addition to the description of duties given earlier, the Office of Affirmative Action is also responsible for coordinating complaints with non-discrimination laws, including investigating complaints and coordinating programs for the disabled. The OAA staff is available to consult with faculty, staff, students, and members of the community who have questions or concerns regarding the application or possible violation of these policies, Title VI or Title IX.

## Other Grievance Procedures

### Academic Grievances

Schools and academic departments within the University have established procedures for the resolution of student grievances concerning academic matters. Students should contact the Dean's Office of the particular school for a copy of the appropriate procedures and for guidance regarding the grievance process. A student who wishes to register a grievance regarding the evaluation of his/her academic work should follow the academic grievance procedure applicable in the school or department in which the academic work was performed.

- School of Arts and Sciences (<https://www.sas.upenn.edu/graduate-division/resources/academic-grievance-procedure/>) & Professional and Liberal Education
- Biomedical Graduate Studies (<https://www.med.upenn.edu/bgs/assets/user-content/new-student-information/expectationsofbgsstudents2019-1.pdf>)

- Annenberg School for Communication (<https://www.asc.upenn.edu/policies-resources/graduate-student-handbooks/>) page 28
- School of Design ([https://www.design.upenn.edu/sites/default/files/uploads/2015-2016PennDesignStudentHandbook\\_1.pdf](https://www.design.upenn.edu/sites/default/files/uploads/2015-2016PennDesignStudentHandbook_1.pdf)) page 62
- School of Engineering and Applied Science (<http://www.seas.upenn.edu/graduate/handbook/student-ethics.php>) Part D
- School of Law (<https://www.law.upenn.edu/students/policies/grades-review-of-courseseminar-requirements.php>)
- School of Nursing (<https://www.nursing.upenn.edu/student-services/resources/handbooks-forms-policies/phd-handbook/>)
- School of Social Policy and Practice (<http://www.sp2.upenn.edu/resources/masters-student-handbook/student-rights-and-responsibilities/>)
- School of Veterinary Medicine ([https://inside.vet.upenn.edu/docs/default-source/bulletindocs/2015\\_2016pennvethandbook-\(03\\_24\\_2016\).pdf?sfvrsn=0v](https://inside.vet.upenn.edu/docs/default-source/bulletindocs/2015_2016pennvethandbook-(03_24_2016).pdf?sfvrsn=0v))
- Wharton Doctoral Programs ([https://doctoral.wharton.upenn.edu/wp-content/uploads/2014/04/2011-2012\\_PhDPoliciesProcedures.pdf](https://doctoral.wharton.upenn.edu/wp-content/uploads/2014/04/2011-2012_PhDPoliciesProcedures.pdf))

## Administrative and Employment Grievances

Students with administrative grievances should contact the Office of the Vice Provost for University Life, 3611 Locust Walk, 215-898-6081. Students with grievances related to their appointment as a teaching assistant, research assistant, or graduate assistant should contact their Dean's Office or the Vice Provost for Education, 215-898-7225.

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Updated November 30, 2022

# SUSPENSION OF NORMAL OPERATIONS

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Although Penn normally never stops operating, emergencies such as severe weather conditions may sometimes result in the cancellation of classes and/or the full or partial closure of certain areas of the University. Decisions affecting work schedules and class cancellation are made by the Executive Vice President in consultation with the Provost.

The University will announce a closing or other modification of work schedules through the following means:

- the University's emergency information number: (215) 898-6358 (215-898-MELT)
- communications from Division of Public Safety
- KYW News Radio (1060 AM)
- the UPennAlert Emergency Notification System (for University related incidents and crises)

The University's emergency radio identification code numbers are "102" for day classes and schools/centers and "2102" for evening classes. The message that accompanies the code number will provide the operating status of the University. Make sure to keep this emergency information in a place you can easily access.

Even when Penn is officially closed due to an emergency, there are some essential services that must still be provided, such as Public Safety or Facilities. Staff members in essential positions are still required to work as normally scheduled under these circumstances.

More information on suspension of normal operations is available online at [https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/suspension-of-normal-operations-\(formerly-emergency-closing-policy](https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/suspension-of-normal-operations-(formerly-emergency-closing-policy) ([https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/suspension-of-normal-operations-\(formerly-emergency-closing-policy/](https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/suspension-of-normal-operations-(formerly-emergency-closing-policy/))).

# TEMPORARY STANDARDS AND PROCEDURES FOR CAMPUS EVENTS AND DEMONSTRATIONS

Throughout the 2023 -2024 academic year, Penn community members have urged the University to clarify guidance and policies on campus events and demonstrations. This call for increased clarity has emerged as a priority recommendation in the reports of both the University's Task Force on Antisemitism, the Presidential Commission on Countering Hate and Building Community, as well as the Faculty Senate. The guidelines below consolidate, organize, and clarify current guidelines and policies specific to events and demonstrations.

The purpose of these temporary guidelines is to reinforce and reaffirm Penn's commitment to open expression and, at the same time, ensure that protests, demonstrations, and other expressions of free speech are appropriately managed. These are not guidelines about speech content, except as described in VII.a.v. The guidelines aim to enable free expression while allowing Penn to deliver its core missions of teaching, research, service, and patient care without disruption.

The Temporary Standards and Procedures (or Temporary Guidelines) are sourced from numerous existing policies and guidelines, including the following: Event Scheduling, Guidelines on Open Expression, Use of Facilities Policies, Noise Pollution Restrictions, Vending Policy, Poster Policy, University Campus-Wide Exterior and Interior Signage Policy, and the Use of University Name policy. As noted in the June 6, 2024 University message, a faculty-led Task Force will be charged with reviewing these Temporary Guidelines and the Guidelines on Open Expression in academic year 2024 – 2025.

## I. Guiding Principles

- a. The University of Pennsylvania (University or Penn) affirms, supports and cherishes its bedrock commitments to freedom of thought, inquiry, speech, and lawful assembly.
- b. The University aims to foster open and rigorous debate, to protect academic freedom and free speech, and to promote constructive discussion, even on the most challenging, sensitive, and controversial issues. Indeed, central to our mission is providing a platform upon which various viewpoints are expressed and encouraged.
- c. While fostering the free exchange of ideas, the University must also be able to pursue its core missions - to teach, engage in research and scholarship, promote the arts and athletics, convene the community, and generally perform its everyday operations. This includes ensuring that Penn community members are protected from physical injury and that Penn facilities are protected from property damage.
- d. The University affirms the right of members of the University community to assemble and demonstrate peaceably in University locations. The University affirms that the substance or the nature of the views expressed is not an appropriate basis for any restriction upon or encouragement of a lawful assembly or a demonstration except as described herein.
- e. A highly permissive stance toward open expression is an essential part of how the University fulfills its role in society, but it does not extend to activities that impede other University functions. In order to achieve this balance, clarity about free expression is

essential to protect the entire community, demonstrators, or potential demonstrators from concerns about unclear rules or inconsistent enforcement.

- f. The safety and security of the Penn community remains a foundational commitment to all students, faculty, staff, and post-docs, and the University will prioritize this commitment in all matters.

## II. Applicability of these Temporary Guidelines

- a. Any member of the Penn community or Penn-affiliated organization wishing to schedule an event, such as a demonstration, protest, rally, or guest speaker on campus, must review these guidelines and adhere to them.
- b. Any event, meeting, demonstration, protest, or rally is governed by these guidelines, regardless of how it is characterized or labeled.
- c. These guidelines apply to all Penn community members and organizations hosting events at Penn.

## III. Scheduling Events

- a. The facilities of the University of Pennsylvania, both indoor and outdoor, exist for the primary purpose of University-related education, research, and patient care. Priority for the use of facilities is given first to those academic and patient care activities and then to programs of University-recognized groups.
- b. Events are presumed to be private, that is, limited to members of the Penn community, unless specifically stated otherwise.
- c. The procedure for scheduling events varies for different venues. Organizers should research and determine the process necessary for their venues of choice. University Life Space and Events Management manages space reservation for many University locations and may serve as a resource for event organizers who are seeking to reserve space. Scheduling of spaces within specific School or Center facilities is administered by the School or Center's guidelines, and policies governing reservation or use of these particular spaces may be supplemented by University policies.
- d. Events must be scheduled at least 48 hours in advance. Scheduling is important to allow planning, coordination with other campus events, and community safety. As the event is being planned, organizers must provide notice about their space needs and/or requests. Of note: most spaces on campus, including outdoor spaces, require more than 48-hours' notice to reserve. See III.e. below.
- e. All non-academic events requiring the use of Perelman Quad, performing arts facilities, Blanche Levy Park (including the area known as the "Button"), Locust Walk, other VPUL spaces, or Central Pool classrooms must be registered with University Life Space and Events Management. Applications for use of these spaces must be made with the staff in 307 Houston Hall or online two weeks in advance.
- f. Events that require a security assessment from the Division of Public Safety may result in the implementation of additional safety/security measures. The Special Event Security Request Form (<https://www.publicsafety.upenn.edu/contact/special-event-security-request-form/>) must be used to request event security provided by Penn's Division of Public Safety.
- g. Events must occur during the stated business hours in each University location. For spaces managed by University Life Space and Events Management: Requests for events to occur or extend outside of stated business hours must be approved in advance by the Vice Provost for University Life or designee. For spaces managed

by Schools or Centers: These requests must be directed to the appropriate official in the School or Center. The Division of Public Safety and other University officials may also be consulted when reviewing such requests.

## IV. Access to Penn Spaces and Event Contracting

- a. Schools, departments, institutes, individual faculty, students, and staff may not serve as "individual fronts" or "proxies" for non-Penn affiliated organizations who may solicit them in order to gain access to or use of Penn venues to organize or host an event on their behalf.
- b. The use of standardized templates in contracting for space is preferred. If the templates are not used, or there are meaningful deviations, the organizers must consult the Office of General Counsel to determine what is permissible.
- c. No student may sign a contract on behalf of the University. All contracts for lectures, performing arts activities, programs, services, or other events sponsored by student organizations must be reviewed by the Associate Director of Student Life and signed by the Vice Provost for University Life or their approved designee.
- d. Any contract for an event must be reviewed and executed by an authorized Penn representative.

## V. Amplified Sound

- a. On weekdays when classes are in session, amplified sound (including, but not limited to bullhorns, musical instruments, and amplified speakers) is only permitted on College Green, Blanche Levy Park, or Penn Commons between the hours of 5:00pm – 10:00pm. Requests for amplified sound on College Green, Blanche Levy Park, or Penn Commons must be submitted for approval during the space reservation process.
- b. Regardless of time of day, amplified sound is not permitted on College Green, Blanche Levy Park, or Penn Commons during scheduled University events (e.g., Convocation), Final Exams, and Reading Days.
- c. Amplified sound or live music on Locust Walk (West of 36<sup>th</sup> Street) is permitted only between 12:00pm -1:00pm. At all times any noise must be kept at a level that does not disrupt classes in session or faculty, staff, and administrators working in surrounding buildings.
- d. If noise resulting from an event in an outdoor space may at times interfere or conflict with library, office, and classroom activities, the continued use of that outdoor space may be denied.

## VI. Posters, Signs, Banners, and Chalking

- a. The University Campus-Wide Exterior and Interior Signage Policy ([https://facilities.upenn.edu/sites/default/files/pdfs/university\\_campus\\_-\\_wide\\_exterior\\_and\\_interior\\_signage\\_policy\\_060624.pdf](https://facilities.upenn.edu/sites/default/files/pdfs/university_campus_-_wide_exterior_and_interior_signage_policy_060624.pdf)) details information for displaying temporary signage, including chalking. The following are modifications to the Campus-Wide Exterior and Interior Signage Policy.
  - i. Posters, signs, and banners should be removed, at the latest, after two weeks of being posted or within 24 hours of an advertised event's completion.
  - ii. Non-water soluble, semi-permanent, and permanent substances, including spray-chalk, is not permitted on any University surface, including vertical surfaces, lampposts, informational and directional blades, and public art. Facilities and Real Estate Services will exercise discretion for removing any

markings and determining if compliant with these guidelines. No markings of any kind are permitted on vertical surfaces.

- iii. Light projections may not be displayed on any University building or structure without seeking express written permission from the Vice Provost for University Life or the relevant Dean's Office (for a School or Center specific building).
- b. The University Poster Policy (<https://catalog.upenn.edu/pennbook/poster-policy/>) outlines policies for posting notices in outdoor areas, indoor areas, on Locust Walk and in residential areas.
- c. To protect open expression, signs posted in compliance with these guidelines will not be removed, and it is a violation of these guidelines if an unauthorized individual removes them or posts over them.
- d. School guidelines for posters and banners may supplement University policies.
- e. Non-compliant signage, including posters, banners, and chalking, will be removed immediately.

## VII. Demonstrations

- a. In addition to the Temporary Guidelines articulated throughout this document, demonstrations must follow these procedures as well:
  - i. To ensure the safety of the Penn community and to protect the health and property of individuals, encampments and overnight demonstrations are not permitted in any University location, regardless of space (indoor or outdoor). Unauthorized overnight activities will be considered trespassing and addressed.
  - ii. Individuals and groups may not erect structures, walls, barriers, sculptures, or other objects on University property without prior permission from the Vice Provost for University Life. Any structure erected without permission is subject to immediate removal.
  - iii. Demonstrations are not permitted to occur in or on any of these University locations:
    1. Private offices, private residences, research laboratories and associated facilities, and computer centers.
    2. Offices, museums, libraries, and other facilities that normally contain valuable or sensitive materials, collections, equipment, records protected by law or by existing University policy such as educational records, student-related or personnel-related records, or financial records. This includes College Hall and its exterior steps and entrance ways.
    3. Classrooms, seminar rooms, auditoriums or meeting rooms in which classes or private meetings are being held or are immediately scheduled.
    4. Hospitals, emergency facilities, communication systems, utilities, or other facilities or services vital to the continued functioning of the University.
    5. University sculptures and statues. To preserve these structures and to reduce the risk of injury, University statues and sculptures may not be climbed on or covered with any material.
  - iv. Participants are expected to be respectful to University employees involved in ensuring the safety of the community and compliance with these guidelines.
  - v. Demonstrations violate these guidelines if they threaten or advocate violence, create violence, or harass or intimidate Penn-affiliated individuals or groups on the basis of race, religion, national origin or ancestry, identity, sexual orientation, disability, or any other protected class.

## VIII. Interference with the Speech of Others

- a. Protecting free speech includes not interfering with the free speech rights of others, as well as protecting the rights of the speaker.
- b. Community members may protest speakers on campus with whom they disagree, but they may not do so in a way that prevents the speaker from expressing their views or prevents other members of the community from hearing or seeing the speaker. Groups are encouraged to request VPUL Open Expression Delegates (<https://osa.universitylife.upenn.edu/oe/>) (VPUL-D) as appropriate.
- c. Individuals or groups may not suppress the speech of another individual – they may not have a “heckler’s veto” over speech with which they disagree.

## IX. Use of Social Media

- a. Community members have the right to use social media to express themselves. However, this right is also circumscribed by principles of respect, civility, and local, state, or federal law. Online harassment and the doxing of students, faculty or staff is not permitted in that they undermine open expression, academic freedom, and physical safety.
- b. To the extent that Penn organizations or community members can be identified as perpetrators of such online harassment and doxing, the University may take action as appropriate.

## X. Livestreaming, Filming, and Media Access

- a. For spaces managed by University Life Space and Events Management: Live streaming an event is not permitted except in limited circumstances where reaching a wider audience is appropriate and approved by the Vice Provost for University Life. For spaces managed by Schools or Centers: Requests for livestreaming an event must follow the School or Center’s policies and protocols. University Communications and the Division of Public Safety may also be consulted when reviewing any requests.
- b. Any third-party who wishes to film on campus for non-news purposes is required to work with University Communications and Penn’s Office of General Counsel.
- c. News media are required to produce credentials when requested by University Communications and may be asked to limit filming to specific areas of campus, especially during demonstrations, to allow Penn’s Division of Public Safety to maintain campus security.

## XI. Use of University Name

- a. Penn regulates use of its name, including University of Pennsylvania, Penn, the names of its schools and programs, its shield and related insignia, trademarks, and logos (“insignia”) to ensure that such use is related to the University’s educational, service and research missions and promotes its objectives. Responsibility for overseeing use of the University’s names and insignia lies with the Office of the University Secretary, the Office of University Communications, and the Office of the General Counsel.
- b. University faculty, staff and students may refer to their affiliation or status with the University in connection with personal activities, including consulting, provided that the affiliation or status is accurately represented, and any title or position is accurately

identified, and provided that such use does not imply University endorsement of the activity, as further described below.

- c. Use of University insignia in connection with personal activities is prohibited. The University’s name must not be used in any announcement, advertising matter, publication, correspondence, or report in connection with personal or non-University activities if such use in any way could be construed as implying University endorsement of, or responsibility for, any person, project, product, or service.
- d. All other policy requirements as noted in the Use of University Name Policy (<https://catalog.upenn.edu/pennbook/use-universitys-name/>) apply.

## XII. Non-University Persons

- a. The University reserves the express right to request University identification from participants engaged in events and demonstrations on campus for the sole purpose of determining whether an individual is affiliated with Penn.
- b. Non-University affiliated persons may have less expansive rights of open expression in University locations than those who are members of the Penn community.
- c. Non-University persons who participate in meetings, events, and demonstrations in a University location are required to comply with these guidelines and any additional instructions from other University officials, including the Division of Public Safety and the Vice Provost for University Life (or delegates).

## XIII. Enforcement

- a. Each member of the University community is expected to know and follow these guidelines. Disrupting University operations is not permitted. This includes conduct that interferes unreasonably with the activities of other persons; causes injury to persons or property or threatens to cause such injury; holding meetings, events, or demonstrations under circumstances where health or safety is endangered; or knowingly interfering with unimpeded movement in a University location or with University operations.
- b. Given the open nature of Penn’s campus, Penn’s Division of Public Safety and Vice Provost for University Life delegates may ask for Penn IDs in University locations.
  - i. Checking Penn IDs for safety concerns ordinarily does not involve making a record of the information for purposes of future disciplinary actions. Penn Public Safety or VPUL delegates who request ID information for purposes of a possible disciplinary action must give notice of this intention to any Penn ID holders at the time of making such a request.
- c. The Vice Provost for University Life (VPUL) or its delegate (VPUL-D) has the authority to determine if the guidelines are being violated by any member of the University community. Consistent with the interpretative guidance issued by the Committee on Open Expression in 2023, the COE is advisory to the VPUL and to members of the University community regarding interpretations of the guidelines. COE members may assist in offering real time advice to requesting parties regarding the Open Expression guidelines if they are present during a situation that involves possible violations of the guidelines.
- d. The VPUL or a VPUL-D may intervene to address in real time any conduct that it has declared to be in violation of the guidelines. Intervention may include instructions to participants to modify or terminate their behavior.

- i. For students, compliance with instructions from the VPUL or a VPUL-D will have the consequence that no referral will be made by the VPUL to the Center for Community Standards and Accountability (CSA) for a disciplinary hearing or penalty.
  - ii. Refusal to comply with these instructions may lead to a referral by the VPUL to the CSA, who will investigate the event and decide what disciplinary proceedings, if any, to pursue.
- e. If a member of the Penn community is believed to have violated University policies or guidance, the individual (or organization) will be subject to University disciplinary policies as applicable to students (<https://csa.upenn.edu/>), faculty, post-docs, residents, and staff (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/performance-and-discipline/performance-improvement-discipline/>).
- i. Students who are believed to have violated these Temporary Standards and Procedures will be referred to the Center for Community Standards and Accountability (CSA) upon the filing of a complaint and preliminary review of the allegations. CSA may consult the Committee on Open Expression for advice but is not required to do so. If a charge is pursued, CSA will follow the normal disciplinary/restorative justice process, as appropriate.
  - ii. Faculty who are believed to have violated these Temporary Standards and Procedures will be referred to their School Dean or the Provost for further action, in accordance with the Faculty Handbook. The Dean or Provost may consult with the School's Committee on Academic Freedom for advice but is not required to do so. If a charge is pursued, the Dean or Provost will follow the Procedure Governing Sanctions Taken Against Members of the Faculty in the Faculty Handbook.
  - iii. Staff who are believed to have violated these Temporary Standards and Procedures will be referred to Human Resources which will follow University/School staff disciplinary processes.
- f. Community members may also be subject to interim sanctions, up to and including suspension for serious and/or repeated violations of this guidance and the underlying codes of conduct.
- g. Reports of online harassment and threatening behavior of any kind should be reported to the Division of Public Safety by calling 215-573-3333 for an immediate response or filling out the Online Harassment Report Form for a response within 48 hours.

(Source: Almanac, June 7, 2024 (<https://almanac.upenn.edu/articles/from-the-university-leadership-temporary-standards-and-procedures-for-campus-events-and-demonstrations/>))

# TOBACCO-FREE CAMPUS POLICY

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## Policy

The University of Pennsylvania is committed to maintaining a healthy and safe learning, working and living environment for all members and guests of our community. It therefore is the policy of the University of Pennsylvania that all smoking and tobacco use (including the use of smokeless tobacco) is prohibited in all University buildings and facilities, including but not limited to any meeting rooms, community areas, performance venues and private residential space within University of Pennsylvania housing. Smoking and tobacco use is also prohibited in all University of Pennsylvania vehicles (owned or leased), regardless of location. Finally, smoking and the use of tobacco products is prohibited on any University of Pennsylvania property, including but not limited to outdoor spaces (such as College Green, Shoemaker Green, Locust Walk, etc.), as well as parking lots, paths, fields, sports/recreational areas, and stadiums. Where University of Pennsylvania buildings are adjacent to public sidewalks or streets, smoking and the use of tobacco products is prohibited on those public sidewalks and streets within twenty (20) feet of the entrance to the building.

The tobacco policy covers all smoking methods, including but not limited to the use of electronic smoking devices (e-cigarettes, e-cigars, e-pipes) and hookah-smoked products.

## Enforcement

Compliance with the applicable law and this policy is the responsibility of all members and guests of the University of Pennsylvania community. Any person with concerns about the implementation of or compliance with this policy should refer the matter to his or her immediate supervisor or manager for resolution. If the matter cannot be resolved at this level, the concern should be referred to the Division of Human Resources, Staff and Labor Relations or the appropriate Dean or Vice President.

Effective Date: 10/1/2017

Source: Almanac, November 14, 2017, Volume 64, No. 13 (<http://www.upenn.edu/almanac/volumes/v64/n13/of-record-tobacco-free.html>)

# TWO-YEAR HOUSING AND DINING REQUIREMENT

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The College Houses are unique residential communities for Penn undergraduates that connect the academic life of the University to the residential experience. They foster smaller, intimate communities that students call home and from which they are supported in pursuing their academic goals and in navigating the complexities of university life. The College Houses provide academic and personal support to residents and promote social interaction, engagement, accountability and leadership within a setting that honors the diverse needs and backgrounds of the Penn community.

The College House experience is a central component of a student's successful transition to and mastery of the rigors of university life at Penn. To support our undergraduates in their academic and personal endeavors, and to engage them with each other and the larger Penn community, we require all undergraduate students<sup>1</sup> to live on campus in a College House and participate in a meal plan for their first four semesters (excluding summers), regardless of the number of course units or class standing.

- Students who transfer to Penn from another institution with second year standing and who lived on campus their first year at their previous institution may count those semesters toward the Penn housing residency requirement.
- Students who transfer to Penn from another institution with junior standing are required to live in on-campus housing for their first two semesters at Penn.
- Students who study abroad during their sophomore year may include that time toward the requirement.
- A student who has taken a leave of absence during their first two years living on campus may apply for an exemption from the residency requirement. The exemption will be approved if a student lived on campus for three complete semesters.
- Signing an off-campus lease or entering into a housing agreement within a fraternity or sorority house does not exempt the student from this policy.

Updated March 12, 2024

<sup>1</sup> The following students are exempt from this policy: students enrolled in the College of Liberal Studies or in the Penn Nursing BSN Second Degree Program, students who are married or in a University-recognized domestic partnership, students living with a dependent, or students who are age 22 or older at the start of the academic year.

# UNAUTHORIZED COPYING OR USE OF LICENSED SOFTWARE

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The University of Pennsylvania does not condone or tolerate the unauthorized copying or use of licensed computer software by staff, faculty, or students. The University shall adhere to its contractual responsibilities and shall comply with all copyright laws, and expects all members of the University community to do so as well. Members of the University community who violate this policy may be subject to discipline through standard University procedures. An individual or University department engaged in the unauthorized copying or use of software may also face civil suits, criminal charges, and/or penalties and fines. Subject to the facts and circumstances of each case, such individuals or departments shall be solely responsible for their defense and any resulting liability. If you have questions about the terms and conditions of a software license, please contact the Computing Resource Center at 898-9085.

(Source: Almanac, October 20, 1998 (<https://almanac.upenn.edu/archive/v45pdf/981020/102098.pdf>))

# UNIVERSITY OF PENNSYLVANIA POLICY ON EQUAL OPPORTUNITY

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The University of Pennsylvania's special character is reflected in the wide variety of backgrounds, experiences, and perspectives of the Penn community. We seek talented faculty, students, and staff who will constitute a vibrant community and help create an educational and working environment that best supports the University's commitment to excellence in teaching, research, and scholarship.

Penn's commitment to equal opportunity and nondiscrimination is fundamental to the University's mission of advancing knowledge, educating leaders for all sectors of society, and public service. The University of Pennsylvania prohibits unlawful discrimination based on race, color, sex, sexual orientation, religion, creed, national origin (including shared ancestry or ethnic characteristics), citizenship status, age, disability, veteran status, or any other class protected under applicable federal, state, or local law.

Penn is committed to ensuring that its academic, social, recreational programs and services as well as opportunities for admission and employment are available on a nondiscriminatory basis without regard to an individual's legally protected class status. The Office of Equal Opportunity Programs, in collaboration with the Division of Human Resources and the Office of the Provost, oversees the implementation and administration of the University's equal opportunity and nondiscrimination policies and programs.

The University recognizes the right of members of the community to raise questions and pursue complaints of discrimination and adheres to a strict policy that prohibits retaliation for doing so. Questions, complaints of alleged discrimination, or concerns regarding these policies or their implementation may be directed to the executive director of the Office of Equal Opportunity Programs, Franklin Building, Suite 421, 3451 Walnut Street, Philadelphia, PA 19104-6205, (215) 898-6993 or fax (215) 746-7088.

(Source: Almanac, February 13, 2025 (<https://almanac.upenn.edu/#of-record-university-of-pennsylvania-policy-on-equal-opportunity-and-equal-opportunity-and-nondiscrimination-statement>))

# UNIVERSITY OF PENNSYLVANIA REQUIRED DISCLOSURES

## I. Non-Loan Related Disclosure Requirements

### A. Availability of Institutional Financial Aid Information

1. Notice of availability of financial aid information: <https://sfrs.upenn.edu/financial-aid> (<https://sfrs.upenn.edu/financial-aid/>)
2. Contact information for assistance in obtaining institutional or financial aid information: <https://sfrs.upenn.edu/contact> (<https://sfrs.upenn.edu/contact/>)

### B. Student Financial Assistance

1. Student financial aid information: <https://sfrs.upenn.edu/financial-aid> (<https://sfrs.upenn.edu/financial-aid/>)
2. Notice of federal student financial penalties for drug law violations: <https://sfrs.upenn.edu/policies/federal-aid-drug-conviction-policy> (<https://sfrs.upenn.edu/policies/federal-aid-drug-conviction-policy/>)

### C. General Institutional Information

1. Consumer information on College Navigator website: <http://nces.ed.gov/collegenavigator/?q=university+of+pennsylvania&s=all&pg=2&id=215062> (<http://nces.ed.gov/collegenavigator/?q=university+of+pennsylvania&s=all&pg=2&id=215062>)
2. Cost of attendance
  - Undergraduate: <https://sfrs.upenn.edu/costs-budgeting/undergraduate-cost-attendance> (<https://sfrs.upenn.edu/costs-budgeting/undergraduate-cost-attendance/>)
  - Graduate/Professional Schools: <https://sfrs.upenn.edu/costs-budgeting/graduate-cost-attendance> (<https://sfrs.upenn.edu/costs-budgeting/graduate-cost-attendance/>) Each graduate/professional school has its own cost of attendance structure – Select the appropriate link to each school.
3. Net Price Calculator
  - a. <https://npc.collegeboard.org/app/upenn> (<https://npc.collegeboard.org/app/upenn/>)
  - b. <http://netpricecalculator.collegeboard.org/participating-schools> (<http://netpricecalculator.collegeboard.org/participating-schools/>)
4. Refund policy, requirements for withdrawal and for the return of Title IV, HEA financial aid:
  - a. <https://sfrs.upenn.edu/policies/return-of-funds> (<https://sfrs.upenn.edu/policies/return-of-funds/>)
  - b. <https://sfrs.upenn.edu/policies/reduction-tuition-and-fees> (<https://sfrs.upenn.edu/policies/reduction-tuition-and-fees/>)
  - c. <https://sfrs.upenn.edu/policies/unofficial-withdrawal> (<https://sfrs.upenn.edu/policies/unofficial-withdrawal/>)

### 5. Banking Relationship Disclosures

In compliance with the U.S. Department of Education's guidelines, Penn makes information on its marketing relationships with financial institutions publicly available. Such disclosures can be found on the PennCard website (<https://cms.business-services.upenn.edu/penncard/the-penncard-center/services/banking.html>). For additional information on banking options visit: <http://www.sfrs.upenn.edu/banking/index.htm> (<http://www.sfrs.upenn.edu/banking/>)

## II. Disclosures Related to Educational Loans

1. State Grant assistance  
<https://sfrs.upenn.edu/financial-aid/grants-and-scholarships> (<https://sfrs.upenn.edu/financial-aid/grants-and-scholarships/>)
2. Student loan information published by the Department of Education  
<https://studentaid.gov/understand-aid/types/loans> (<https://studentaid.gov/understand-aid/types/loans/>)
3. National Student Data System:  
NSLDS: National Student Loan Data System (ed.gov) (<https://nslds.ed.gov/login/>)
4. Entrance counseling for student borrowers  
<https://studentaid.gov/entrance-counseling/>
5. Exit counseling for student borrowers  
<https://sfrs.upenn.edu/financial-aid/loans/exit-counseling> (<https://sfrs.upenn.edu/financial-aid/loans/exit-counseling/>)
6. Private education loan disclosures (including self-certification form) are provided to students by their private lenders and found here:  
<https://ifap.ed.gov/electronic-announcements/011020renewalprivedloanappselfcertformloanlender> (<https://ifap.ed.gov/electronic-announcements/011020renewalprivedloanappselfcertformloanlender/>)
7. Code of Conduct for education loans  
<https://www.finance.upenn.edu/policy/1712-external-private-loans/>
8. Preferred lender lists: Penn does not have preferred lender lists.
9. Preferred lender arrangements: Penn does not have preferred lender arrangements.

### HEOA Disclosure Requirements:

- Graduation Rates of Penn Student-Athletes:  
<https://web3.ncaa.org/aprsearch/gsrsearch> (<https://web3.ncaa.org/aprsearch/gsrsearch/>)
- Transfer of Credit Policies and Articulation Agreements:  
<http://www.admissions.upenn.edu/apply/transfer-admission/transfer-of-credits> (<http://www.admissions.upenn.edu/apply/transfer-admission/transfer-of-credits/>)
- Drug and Alcohol Abuse Prevention Program - SUPER Program (Substance Use, Prevention, Education and Recovery):  
<https://wellness.upenn.edu/wellbeing-initiatives/super-program-substance-use-prevention-education-and-recovery> (<https://wellness.upenn.edu/wellbeing-initiatives/super-program-substance-use-prevention-education-and-recovery/>)
- Vaccination Policies:  
<https://wellness.upenn.edu/immunization-insurance-compliance/immunization-compliance> (<https://wellness.upenn.edu/immunization-insurance-compliance/immunization-compliance/>)
- Missing Person Notification Policy:

<https://catalog.upenn.edu/pennbook/missing-students-notification-policy/>

- Peer 2 Peer File Sharing:  
<https://www.isc.upenn.edu/security/copyright-fileshare> (<https://www.isc.upenn.edu/security/copyright-fileshare/>)
- Policy on Unauthorized Copying of Copyrighted Media: <https://www.isc.upenn.edu/computing/copyright-policy> (<https://www.isc.upenn.edu/computing/copyright-policy/>)
- Policy on Acceptable Use of Electronic Resources:  
<https://catalog.upenn.edu/pennbook/policy-acceptable-use-electronic-resources/>
- Crime Awareness and Campus Security:  
<https://www.publicsafety.upenn.edu/>
- Annual Security and Fire Safety Report:  
<https://www.publicsafety.upenn.edu/clery/>
- Student Privacy (The Family Educational Rights and Privacy Act of 1974 (FERPA)):  
<https://catalog.upenn.edu/pennbook/confidentiality-student-records/>  
<https://oacp.upenn.edu/privacy/penndata/appropriate-use-of-penn-data/ferpa/>
- Voter Registration Guide:  
[https://guides.library.upenn.edu/register\\_to\\_vote\\_info](https://guides.library.upenn.edu/register_to_vote_info) ([https://guides.library.upenn.edu/register\\_to\\_vote\\_info/](https://guides.library.upenn.edu/register_to_vote_info/))
- Services Available to Students with Disabilities:  
<https://www.vpul.upenn.edu/lrc/sds/>
- Intercollegiate Athletic Program Participation Rates and Financial Support Data (Equity in Athletics Disclosure Act):  
<https://ope.ed.gov/athletics/#/institution/search>
- Institutional Data:  
<https://ira.upenn.edu/penn-numbers/quick-facts> (<https://ira.upenn.edu/penn-numbers/quick-facts/>)

### III. Professional Licensure Disclosures

- View University of Pennsylvania Professional Licensure Disclosures: <https://public.tableau.com/app/profile/penn.ira/viz/UPennLicensureDisclosure/List> ([https://urldefense.com/v3/\\_https://public.tableau.com/app/profile/penn.ira/viz/UPennLicensureDisclosure/List\\_!!IBzWLU!EetBQzCQJj4qouKx\\_s0xSU1AmHi-lUE9Yck35pNs-gSztKiWkAA4LFsAQSwbZY8/](https://urldefense.com/v3/_https://public.tableau.com/app/profile/penn.ira/viz/UPennLicensureDisclosure/List_!!IBzWLU!EetBQzCQJj4qouKx_s0xSU1AmHi-lUE9Yck35pNs-gSztKiWkAA4LFsAQSwbZY8/))

For more information or to request a paper copy of the disclosures, please contact the Office of the Provost at 215-898-7225 or [provost-ed@upenn.edu](mailto:provost-ed@upenn.edu).

# USE OF FACILITIES

The facilities of the University of Pennsylvania exist for the primary purpose of education. Priority for the use of facilities is given first to University academic activities and second to programs of University groups. The decision to permit or restrict the use of facilities by University groups will be based first on the prior academic commitment of that facility, then on prior reservation by another University group. University groups are defined as consisting almost entirely of students, faculty, administrators, staff or alumni of the University, or combination thereof, whose primary activities are based at or directly related to the University. Dates that remain open after the spring and fall calendar processes for University groups may be assigned to approved non-University organizations upon request.

The policy governing the use of University facilities was developed under the auspices of the Committee on Open Expression. Before a request of a University group to use any facility is rejected for reasons other than prior commitment of the facility or the like, the Committee on Open Expression should be consulted.

All groups using University facilities must include in their advertising, promotional materials, and other literature distributed on campus the name of the organization (prominently displayed) and sufficient information about the group and the activities it intends to conduct for readers to understand the group's purpose. Deceptive advertising, soliciting, and recruiting practices are prohibited. It is the responsibility of the Director of Student Life to determine whether adequate standards of disclosure are met. Groups failing to comply with this regulation can be denied access to University facilities for as long as the director may determine. The director's decision may be reviewed by the Committee on Open Expression.

Granting of permission to use University facilities does not constitute University endorsement of the activities or purposes of the user group. Unauthorized use of the University's name, other than to indicate the location of an event, is prohibited.

Groups sponsoring activities judged to be unrelated to the University but permissible under the policy governing the use of University facilities will be charged appropriate fees. It is the responsibility of the Director of Student Life to determine whether the activities for which University space is requested are University related. Factors to be considered in making this decision include

1. the relationship to the University of the sponsor and others who are expected to participate,
2. the purpose for which space is requested,
3. whether the activity will promote the objectives of the institution,
4. whether the person(s) organizing and conducting the specific activity is (are) affiliated with the University, and
5. whether the proposed activity will be conducted primarily for the benefit of a group not under the auspices of the University.

In the case where a group wishes to use University facilities on a continuing basis, yet no clear benefit to the institution is accrued by housing proposed activities, substantial ongoing involvement by University students or personnel, or both, is required for such activities to be classified as University related.

## I. Reservation Procedures

1. All non-academic events requiring the use of Perelman Quadrangle, performing arts facilities, Blanche Levy Park, Locust Walk other VPUL spaces and Central Pool classrooms must be registered with the Office of the Perelman Quad and VPUL Facilities. Applications for space use should be made with the staff in 307 Houston Hall, or online two weeks in advance.
2. The person, whether or not a member of the University community, who requests the use of a University facility shall be responsible for maintaining the requested facility in good condition.
3. The University reserves the right to reject any request for use of its facilities and to terminate use at any time upon failure of a University group or a non-University organization to comply fully with University policy and safety procedures.
4. Requests must be timely. For example, it is expected that auditoria, large multipurpose spaces, and other large spaces must be reserved with a minimum lead time of one month to ensure adequate provision of facilities resources. Smaller venues of fifty persons or fewer should be reserved a minimum of one week in advance of use.

## II. Payment of Charges

1. All groups must agree to pay for incurred costs according to the current schedule of University security, maintenance and service fees.
2. University groups desiring to charge admission to a function must deposit all revenue from such admission charges directly into their University account either to help defray expenses of the program or to support future related on-campus programs. All admissions charges must be reasonable.

## III. Admission Charges

1. Because the University is a tax-exempt corporation, the use of its facilities by external, commercial agents should be limited
2. University groups desiring to charge admission to a function must deposit all revenue from such admission charges directly into their University account either to help defray expenses of the program or to support future related on-campus programs. All admissions charges must be reasonable.

## IV. Use of Outdoor Spaces

The procedures governing the use of University facilities shall apply to the reservation and use of outdoor spaces belonging to the University, with the recognition that permission may be denied, if noise resulting from an event occurring in an outdoor space may at times interfere and conflict with library, office and classroom activities.

Depending on the location of an outdoor event, on scheduled classes in nearby buildings, and on the proximity of offices in use, non-conflicting activities should be scheduled by prior arrangements with the Perelman Quad and VPUL Facilities staff.

# USE OF UNIVERSITY NAME POLICY

On September 30, 1791, an act confirmed an agreement which united the University of the State of Pennsylvania with the College, Academy and Charitable School and provided that the name of the institution would be “The Trustees of the University of Pennsylvania.”<sup>1</sup> To facilitate communication both internally and externally, the institution’s name is commonly simplified as the “University of Pennsylvania,” or, more recently, “Penn.”

The University regulates use of its name, the names of its schools and programs, its shield and related insignia, trademarks and logos (“insignia”) to ensure that such use is related to the University’s educational, service and research missions and promotes its objectives. Responsibility for overseeing use of the University’s names and insignia lies with the Secretary of the University.

## Official Use

When representing the University in an official capacity, all units of the University and members of the faculty and administration must use “University of Pennsylvania” in their publications and documents. Approved University stationery must be used for official correspondence.

University names and insignia may be used in connection with any academic University program provided that the program has been approved in advance by the responsible department chair and dean or director, and Provost, as appropriate. University units, faculty, staff and student organizations that wish to use University names or insignia in connection with any non-academic University program, activity, service or product must obtain the approval of the Secretary of the University before proceeding. Requests to use University names or insignia must first be presented to the appropriate department chair and dean, director, or, in the case of student organizations, to the Vice Provost for University Life, for review. If approved by the dean, director, or Vice Provost, a request with supporting information must be submitted to the Secretary for review. The Secretary will review the proposed use and determine, in consultation with appropriate colleagues, whether it is properly related to the University’s missions and whether the benefits of the proposed use outweighs any risks associated with the use. The Secretary may approve the proposed use, with or without conditions, or disapprove the proposed use.

## Licensed Uses by Outside Entities

University names or insignia may be used on products or in connection with services offered by outside entities only under license from the University. Requests for such licenses are processed jointly through the Office of the Vice President for Business Services (“Business Services”) and the Penn Center for Innovation (“PCI”), and with guidance from the Office of the University Secretary.

Outside sponsors of University programs or activities often seek to use University names or insignia in promotional or advertising materials. While the University is pleased to recognize the contributions of sponsors, such recognition must not suggest University endorsement of the sponsor’s activities. Therefore, University names or insignia may not be used in connection with any outside entity’s name or logo without prior approval of the Secretary of the University. In general, the Secretary will approve uses which recognize or acknowledge the sponsor’s contribution to the University program or activity. Uses which, in the Secretary’s

judgment, may suggest University endorsement or approval of the sponsor’s goods or services will not be permitted.

## Private Use

University faculty, staff and students may refer to their affiliation or status with the University in connection with personal activities, including consulting, provided that the affiliation or status is accurately represented and any title or position is accurately identified, and provided that such use does not imply University endorsement of the activity. In some cases, a disclaimer of University endorsement may be required. (See, for example, Handbook for Faculty and Academic Administrators, section II.E.10 (<http://catalog.upenn.edu/faculty-handbook/ii/ii-e/>)). Use of University insignia in connection with personal activities is prohibited. The University’s name must not be used in any announcement, advertising matter, publication, correspondence, or report in connection with personal or non-University activities if such use in any way could be construed as implying University endorsement of or responsibility for any project, product, or service.

## Related Policies

All faculty, staff and students are reminded that University equipment, stationery, campus mail service, and electronic media are to be used solely for University business by authorized University personnel and by officially recognized campus organizations. See Human Resources Policy No. 003 (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/uses-of-university-resources/>). Additional information on faculty and staff involvement in extramural activities and organizations can be found in the *Conflict of Interest Policy for Faculty Members, and Human Resources Policy Nos. 005* (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/conflict-of-interest/>) and 006 (<https://www.hr.upenn.edu/policies-and-procedures/policy-manual/other-policies/guidelines-for-extramural-activities-associations-and-interest-for-staff/>).

<sup>1</sup> *Statutes of the Trustees of the University of Pennsylvania*, p. 1.

(Source: Almanac, October 24, 2017 (<https://almanac.upenn.edu/uploads/media/102417.pdf>))

# VENDING POLICY

1. In consideration for the University permitting organization to conduct vending or promotional activities on campus, the applicant organization agrees to fully comply with the University's policies and all applicable, local, state and federal laws, including, but not limited to applicable consumer protection laws.
2. In addition, organization agrees not to discriminate against any employee, student or customer on the basis of race, religion, national origin, gender, sexual preference, age or disability.
3. If the organization is a non-University affiliate, it further agrees to the following terms and conditions:
  - a. The University shall not be liable for any injuries to persons or damage to property which organization; other participants or their respective representatives may suffer.
  - b. Organization is responsible for any damage to facilities, which might result from its activities.
  - c. Organization hereby voluntarily waives and releases any and all claims and causes of action against the University, its trustees, officers, employees, agents and students that arise from or relate to the activities covered by this permit request.
  - d. Organization agrees to indemnify, defend and save harmless, the University, its trustees, officers, employees, agents and students from all claims, costs, causes of action, damages, expense and liabilities whatsoever (including attorneys' fees) that arise from or relate to the activities covered by this permit request.
  - e. Organization, at its own cost and expense, shall obtain and maintain in force during the period of its activities at the University the following insurance coverage<sup>1</sup>:
    - i. A policy of Worker's Compensation insurance, in amounts required by law, covering all officers, employees and agents of the Organization.
    - ii. A policy of comprehensive general liability insurance with broad form property damage endorsement, with such policy to afford protection to the limit of One Million Dollars (\$1,000,000) with respect to bodily injury or the death of any number of persons in any one occurrence and One Million Dollars (\$1,000,000) with respect to the property of any one owner for one occurrence.
    - iii. A policy of comprehensive automobile liability coverage covering the operation of all automobiles, whether owned or not by the Organization, used in connection with the performance of this Agreement with such policy to afford protection to the limit of One Million Dollars (\$1,000,000) with respect to bodily injury or death of any number of persons in any one occurrence and Five Hundred Thousand Dollars (\$500,000) with respect to damage to property of any one owner from one occurrence.

<sup>1</sup> Each of these insurance policies shall be issued by insurance companies licensed to conduct business in the Commonwealth of Pennsylvania and shall name the Trustees of the University of Pennsylvania as an Additional Insured except for Worker's Compensation. The Organization shall furnish to the Office of the Vice Provost for University Life or the Office of the Vice President for Business Services a certificate of insurance for each of the above-mentioned policies.

## Campus Organizations

Since the University of Pennsylvania is a tax-exempt organization, the use of its indoor and outdoor facilities for the purpose of selling or promoting any product or service must be strictly regulated. Accordingly, the following guidelines have been established:

1. Machine vending inside University buildings falls under the jurisdiction of the Managing Director of Campus Dining and those others to whom that authority has been given. Any other vending is not permitted in accordance with Human Resource Policy #710.
2. The Director of Student Life or designee is responsible for requests from University affiliates and non-University affiliates to conduct vending or promotional activities on Locust Walk between 36th and 37th Streets, Perelman Quadrangle, Hamilton Village and other University Life Facilities.
3. Apart from approved truck vendors, outdoor sales and promotional activities are generally restricted to registered student organizations and University departments who wish to fundraise for their own benefit. Approval for such activities must be obtained from the Office of Student Life. Outside groups or corporations, however, will not normally be permitted to conduct sales and vending or promotional activities on University property under the sponsorship of University groups.
4. Because the profits raised by Penn Student Agencies (PSA) are transferred into the University's funds for student financial aid and other services, PSA should be given exclusive rights or preferential treatment in the selling of certain products or services in the outdoor area of campus. Responsibility for such decisions rests with the Director of Student Life, and at the beginning of each academic year, PSA shall provide the Director of Student Life or designee with a list of those products or services it wishes to sell. The Director will share that information with any other student organizations that may be interested in selling similar products or services.
5. Vending/promotions permits are required for all organizations, registered student groups or departments wishing to sell items or conduct promotional activities in outdoor campus areas. Permits must be approved in writing by an authorized employee of the Vice Provost for University Life for the following areas: Locust Walk between 36th and 37th Streets, Perelman Quadrangle, Hamilton Village and other University Life Facilities, and to the Vice President for Business Services for all other areas and must be shown to any University official, including Public Safety officers, on request. Failure to obtain a vending/promotions permit will result in the vendor's eviction from campus and may result in loss of future privileges.
6. All vending/promotional activities, including ticket sales, credit card applications, etc., will normally be located in the block of Locust Walk between 36th and 37th Streets in order to eliminate traffic congestion elsewhere on campus. Requests to conduct vending or promotional activities in other campus areas may be approved by the Office of Student Life or designee in consultation with other appropriate administrators when unusual circumstances warrant a different location.
7. The distribution of non-commercial handbills or flyers by University groups is generally permitted on Locust Walk as long as the individuals conducting such activities are not impeding traffic, imposing their will on the University community (e.g., forcing people to take handbills), creating a disturbance, or generating an excessive amount of trash. Posting of handbills and flyers is restricted to authorized kiosks and bulletin boards. Individuals or groups are responsible to clean up trash related to their activities.

8. Those who conduct vending or promotional activities on Locust Walk close to classroom or residential buildings are asked to keep the volume of noise to a level that does not interfere with normal University activities. The noise level at such activities must be consistent with the standard. Bullhorns and other forms of sound amplification may not be used unless special permission is received from the Office of Student Life.
9. The Division of Public Safety has the right to challenge anyone conducting vending or promotional activities in any University outdoor area and to require them to obtain permission from the appropriate University office or leave the campus.
10. Those who conduct vending or promotional activities must comply with all University, City, Commonwealth and Federal Laws and policies.

(Source: Almanac, March 29, 1988 (<https://almanac.upenn.edu/archive/v34pdf/n27/032988.pdf>))

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