

POLICY: EQUALITY AND NON-DISCRIMINATION POLICY
POLICY NUMBER: OED-1
Effective Date: July 2002
Revisions: February, 2011
Responsible Officer: President of College of Medicine

I. PURPOSE

Drexel University College of Medicine ("College") welcomes individuals from diverse backgrounds and perspectives from around the world, and believes that an inclusive and respectful environment enriches the College community and the educational and employment experience of its members.

This policy states the College's expectations for institutional and individual conduct that ensures a fair and respectful environment for living, work and study that is free from illegal discrimination, including unlawful harassment. This policy also provides a prompt, thorough, confidential and respectful process for handling and investigating complaints of illegal discrimination.

II. POLICY

The College is committed to an environment of equal opportunity in education and employment and to proactively undertake initiatives and take actions to create such an environment.

In the administration of its admissions policies, educational policies, employment policies, scholarship and loan programs, and all other College administered programs and activities, the College prohibits discrimination against individuals on the basis of:

- race,
- color,
- national origin,
- religion,
- sex,
- sexual orientation,
- disability,
- age,
- status as a veteran or special disabled veteran, and
- gender identity and expression.

Moreover, the College does not tolerate unlawful harassment of any kind.

It is a violation of this Policy to retaliate against any person who makes a complaint of discrimination or testifies, assists, or participates in an investigation or proceeding related to such behavior.

III. APPLICABILITY

This Policy applies to the following members of the College Community: trustees, faculty, staff, students, consultants, vendors, service providers, and any other agent of the College who engages in College activities, business, or transactions.

IV. DEFINITIONS

Complainant: an individual making a complaint.

Respondent: an individual against whom a complaint is made.

Unlawful Harassment: unwelcome physical or verbal conduct based upon race, color, national origin, religion, sex, sexual orientation, disability, age, status as a veteran or special disabled veteran, or gender identity and expression, that is sufficiently severe, pervasive, and objectively offensive as to substantially disrupt or undermine a person's ability to participate in or to receive the benefits, services, or opportunities of the College.

There are two types of harassment: quid pro quo (Latin term meaning "this for that.") and hostile environment. Both types are prohibited.

Sexual Harassment: unwelcome physical or verbal conduct of a sexual nature that can include sexual advances, requests for sexual favors, and offensive sexual behavior or comments.

Quid Pro Quo Harassment: occurs when an individual explicitly, or implicitly, promises or withholds job-related or education-related benefits based upon the employee's or student's acquiescence to sexual advances or behavior. Such harassment may involve behavior by a person of either gender against a person of the same or opposite gender.

Examples of behaviors which may constitute quid pro quo harassment include:

- seeking sexual favors or relationships in return for the promise of a favorable grade or other academic opportunity;
- basing an employment-related action (e.g., hiring, salary increase, promotion, termination) on a sexual favor or relationship
- making direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation.

Hostile Environment Harassment: verbal or physical conduct based on race, color, national origin, religion, sex, sexual orientation, disability, age, status as a veteran or disabled veteran, gender identity or expression, or retaliation, that is severe or pervasive enough to create an intimidating, threatening, or abusive environment.

Examples of behaviors which may constitute hostile environment harassment include, but are not limited to:

- intimidating or hostile acts
- epithets
- slurs
- unwelcome touching or hugging
- denigrating jokes
- display or circulation of written or graphic material that denigrates or shows hostility or aversion toward an individual or group.

V. PROCEDURES

A. Reporting Obligations

All members of the College community should report incidents of discrimination or harassment to the Office of Equality and Diversity ("OED"), (215) 895-1403. Reports may also be made through the College's confidential Whistleblower Hotline at 866-358-1010 (toll free) or through the following website:

https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=13963

All officers, deans, department chairs, faculty members, academic advisors, directors, and supervisors must report any and all incidents of discrimination and harassment to the OED whether they have knowledge of or have witnessed directly such discrimination or harassment

All individuals who believe they have been discriminated against or harassed should file a written complaint with the OED.

B. Complaints

1. Filing a Complaint

Before filing a complaint, individuals are encouraged to utilize one or more of the methods set forth under *Managing Complaints of Discrimination or Harassment*, **Informal Resolutions** (see below) to attempt to resolve allegations of discrimination or harassment.

If a party chooses to file a complaint, the complaint must be in writing, signed by the complainant, and filed with the OED within 30 days of the alleged discrimination or harassment. The Complaint of Discrimination or Harassment form can be found on the OED website (www.drexel.edu/oed) or in the Office of Equality and Diversity (located at the Intercultural Center, 30 South 33rd Street, 1st Floor, Philadelphia, PA 19104).

2. Managing Complaints of Discrimination or Harassment

Complaints of discrimination or harassment may be resolved through either the informal or formal processes described below.

Although none of the actions set forth below are required before an individual may file a complaint, the College encourages use of these methods for informal resolutions of allegations of discrimination or harassment. This list is not exhaustive.

In cases in which the matter clearly falls outside the purview of this Equality and Non-Discrimination Policy, OED shall make the appropriate referrals.

a. Informal Resolutions

The OED may manage the complaint informally, with the agreement of the complainant, through the use of any of the methods detailed below.

Should the following informal methods fail to resolve the matter satisfactorily, a complaint may be filed as outlined below under "Formal Process – Complaint Investigation."

1. One-On-One Meeting. The complaining party, either alone or with another person, may choose to meet with the individual whose behavior is offensive, discuss the situation, and make it clear that the behavior is unwanted and must cease.
2. Intervention by Supervisor. The complaining party may contact an individual with supervisory authority and request assistance to stop the behavior.
3. Facilitated Conversation or Mediation. A complainant may contact the OED and request the assistance of a facilitator or mediator to attempt to reach a resolution.

Achievement of Resolution

The informal resolution process outlined above shall extend no longer than 45 business days after the allegation is made. Resolution of the complaint is the expected outcome of the informal process. Resolution may include, but is not limited to:

1. an agreement to terminate and not repeat specific conduct;
2. an apology and/or participation in education, training, or counseling,
3. withdrawal of the allegation without the right to reassert it.

Where appropriate, the OED shall review resolutions, including any Performance Improvement Plan, to ensure that the parties fully understand the terms.

Resolution need not imply an admission of culpability. All resolutions must be agreed to and signed by both parties. Resolutions are binding and a formal complaint may not be filed later on the same set of circumstances. However, any conduct admitted by the respondent as part of the resolution may be considered in any future discrimination or harassment investigation. Any

breach of the terms of an informal resolution agreement may result in disciplinary action or a further claim of discrimination or harassment.

Formal Process – Complaint Investigation

If the informal process for resolution of a complaint of discrimination or harassment is not successful or, in the discretion of the OED is not warranted, the OED shall conduct a prompt and thorough investigation of the allegations in the complaint. OED may utilize outside individuals or firms to conduct the formal investigation.

In some cases, the alleged conduct specified in the complaint may be such that to protect the complainant or other members of the College community, the College may, in its discretion, promptly elect to place the alleged offender on administrative leave with or without pay, may implement a temporary reassignment, or may implement other interim remedial measures. These interim remedial measures will generally remain in effect for the duration of the complaint investigation process.

All College students, faculty and staff will be required to cooperate fully with the OED in the investigation and resolution of complaints under this Policy.

(1) Determinations

The outcome of the investigation may be a finding that the allegations are unwarranted or could not be substantiated; a negotiated settlement; or a finding that the allegations have been substantiated by the information presented. If the allegations have been substantiated, recommendations for disciplinary or other action will be forwarded to the appropriate College officials.

The standard of proof for administrative proceedings is that of a "preponderance of evidence" - that is, evidence which, as a whole, shows that the fact sought to be proved is more probable than not.

The Assistant Vice President of Equality and Diversity will communicate the final disposition of the complaint to the appropriate College officials, and to the Complainant and the Respondent. The responsibility for imposing the recommended disciplinary action will rest with the senior College official with management or supervisory responsibility for the Respondent.

(2) Appealing a Determination

Either the Complainant or Respondent may file an appeal of any decision concerning the resolution of the complaint. An appeal by either party must be made, in writing, to the President of the College within 15 days of receipt of the notice of the resolution or disciplinary decision.

The written appeal must state, in detail, the reason(s) for the appeal and shall address one or more of the following:

- a) If the appeal alleges that the findings of the Investigator included relevant factual errors or omitted relevant facts, the appeal shall specify each factual error and/or details of each relevant fact that was omitted from the investigation.
- b) If the appeal alleges substantive procedural errors, the person appealing shall identify each instance of said substantive procedural error.
- c) If the appeal alleges relevant or substantive issues or questions concerning interpretation of College policy, the person appealing shall state, in detail, the issues or questions supporting this allegation.
- d) If the appeal alleges that new information or evidence exists, the appeal shall specify the reason why this information was not available or not provided to the Investigator during

the course of the investigation, including the reason why the information could not have been provided on a timely basis.

- e) If the appeal alleges either that action or inaction of the supervisor in response to the findings of the investigation will not prevent future violations of this Policy, the person appealing will specify, in detail, the reason(s) and basis for this allegation.

The President or his/her designee, shall review the appeal and issue a decision within thirty (30) days of receipt. This decision is final and no further internal appeals are available with the College.

No disciplinary or other action based upon the original complaint findings shall be taken against the alleged offender during the appeals process, although temporary, interim measures may remain in place as provided in this Policy.

C. Retaliation

Any employee, faculty member or student who retaliates against an individual who complains of, witnesses, or participates in an investigation or resolution of a complaint of discrimination or harassment violates College policy and will be subject to disciplinary action, up to and including termination.

Complaints of retaliation should be reported as violations of this Policy.

D. Confidentiality

Although the College is committed to respecting the confidentiality and privacy of all parties involved in the reporting and resolution of discrimination and harassment complaints, it cannot guarantee complete confidentiality. Examples of situations in which confidentiality cannot be maintained include:

- when the College is required by law to disclose information (such as in response to legal process),
- when disclosure of information is determined by OED to be necessary for conducting an effective investigation of the claim, and
- when confidentiality concerns are outweighed by the College's interest in protecting the safety and rights of others and its duty to investigate.

RELATED POLICIES

- HR-43 Performance Improvement Process