

**SEXUAL AND GENDER-BASED HARASSMENT AND MISCONDUCT POLICY**

**POLICY NUMBER: OED-3**

**APPLICABILITY: All members of the University Community**

**EFFECTIVE DATE: September 2013**

**REVISION DATE: January 2015, September 2015**

**RESPONSIBLE OFFICER: Executive Vice President, Treasurer, and Chief  
Operating Officer**

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## I. SUMMARY OF POLICY

Drexel University seeks to foster a safe and healthy environment based on trust and respect. The University is committed to providing an environment free from discrimination, including discrimination based on sex and gender, and has a *zero-tolerance policy* concerning any and all forms of sexual harassment and misconduct. The University prohibits sexual and gender-based harassment and misconduct in any form, including, but not limited to, sexual assault, sexual violence, sexual abuse, stalking, intimate partner violence and any form of nonconsensual sexual conduct.

The University encourages any individual who has been affected by sexual or gender-based harassment or misconduct to immediately report the incident or incidents giving rise to such concerns. This policy provides several reporting options. **For emergencies, the University encourages all individuals to call 911 or the Drexel University Public Safety Department at (215) 895-2222.**

The University will respond promptly and equitably to all allegations of sexual or gender-based harassment or misconduct and will take all appropriate steps to eliminate the harassment or misconduct, prevent its recurrence and address its effects. The University provides supports and resources to students, faculty and professional staff to address concerns related to sex or gender-based discrimination and has appointed a Title IX Coordinator, Michele Rovinsky-Mayer, to coordinate its compliance with Title IX and serve as a resource to Drexel Community members. See the University's Title IX Resource Page at <http://www.drexel.edu/titleix>.

The University will provide interim measures to address individual safety and well-being, provide an adequate and reliable investigation, fair adjudicatory and resolution processes, and take remedial and corrective action when it is determined that a violation has occurred. At each of these stages, the University is committed to maintaining fairness for all parties and to balancing the needs and interests of the individuals involved with the safety of the community as a whole.

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

The University adheres to all federal, state and local requirements for intervention, crime reporting and privacy provisions related to sexual misconduct.

## II. PURPOSE

Drexel University seeks to foster a safe and healthy educational and employment environment built on mutual respect and trust. To further this mission, the University has adopted this Sexual and Gender-Based Harassment and Misconduct Policy, which is intended to guide all Drexel community members.

This policy will:

- Define sexual and gender-based harassment and the forms of sexual misconduct that violate our community standards;
- Identify campus and community resources and support options available for all members of the Drexel community;
- Provide information as to how to make a report to the University or law enforcement;
- Outline University procedures for the review, investigation and resolution of complaints against students, professional staff and faculty; and,
- Identify the Title IX Coordinator, Deputy Title IX Coordinators, and their roles and responsibilities.

When used in this policy, a Complainant refers to the person who reports to the University that he/she has been the subject of sexual harassment or misconduct. A Respondent refers to the person(s) who is (are) reported to have committed acts of sexual harassment or misconduct. A third party refers to any other participant in the process, including a witness to the misconduct or an individual who makes a report on behalf of another.

### **III. SCOPE OF POLICY**

This policy applies to all Drexel University faculty, students, employees, including employees covered under the Collective Bargaining Agreements, trustees, officers and other members of the University community. It also applies to visitors and third parties doing business or providing services on campus, including vendors, independent contractors and consultants. When used in this policy, employee generally refers to both professional staff and faculty members.

All students and employees of the University are responsible for their actions and behavior, whether the conduct in question occurs on campus, in the surrounding community or in another location. As such, this policy applies to all relevant conduct wherever it occurs, including on campus, off campus, and online.

### **IV. NOTICE OF NON-DISCRIMINATION**

The University is committed to establishing and maintaining an environment free from all forms of harassment and discrimination for all University community members. The University does not discriminate on the basis of race, color, ethnicity, national origin, age, gender, sex, sexual orientation, gender identity or expression, physical or mental disability, religion, status as a veteran or special disabled veteran, genetic information or any other protected class. See the [Equality and Non-Discrimination Policy \(OED-1\)](#) for the University's policy and procedures regarding reporting, review, investigation, and resolution of all non-Title IX related discrimination concerns against students, professional staff, and faculty.

The University does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic or other programs or in the context of employment. Sexual harassment and misconduct are a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972, a federal law which provides:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

Sexual and gender-based harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and Pennsylvania law.

This policy prohibits sexual and gender-based harassment or misconduct against all Drexel community members of any gender, sexual orientation, gender identity or gender expression.

## **V. STATEMENT OF PRIVACY**

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

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

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

When the University honors a Complainant's request for confidentiality after weighing all relevant factors, it will never-the-less continue to take appropriate steps to limit the effects of the alleged misconduct and to aid in the prevention of its recurrence.

If a report of misconduct discloses an immediate threat to the health or safety of the University campus community, the University will issue a timely notice of the conduct to the community to protect the health or safety of the broader campus community, pursuant to the Clery Act. Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to the University students, faculty, administrators, professional staff, or visitors.

All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and University policy. No information shall be released from such proceedings except as required or permitted by law or University policy.

## **VI. DEFINITIONS AND EXAMPLES**

The University prohibits sexual and gender-based harassment and misconduct. This encompasses a broad range of behavior involving unwelcome conduct of a sexual nature that is committed without consent, by force, intimidation, coercion or manipulation, or where a person is incapable of consent due to incapacitation. Under this policy, sexual misconduct includes sexual or gender-based harassment, sexual assault, sexual exploitation, stalking, retaliation and sexual offenses against minors as defined below. This policy also applies to Harm to Others when it occurs in the context of intimate partner violence.

**Sexual Harassment:** Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual or gender-based nature when:

- (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work or participation in social or extracurricular activities;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic or social environment. The effect will be evaluated based on the perspective of a reasonable person in the position of a Complainant.

A single or isolated incident may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

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

- It can occur between equals (e.g., student to student, professional staff to professional staff, faculty member to faculty member, visitor/contracted employee to professional staff) or between persons of differing power status (e.g. supervisor to subordinate, faculty member to student, coach to student-athlete). Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g., student harassing faculty member).
- It can be committed by an individual or may be a result of the collective actions of an organization or group.
- It can be committed against an individual, an organization or a group.
- It can be committed by an acquaintance, a stranger, or someone with whom the Complainant has a personal, intimate or sexual relationship.
- It can occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.

Examples of behavior that might be considered sexual or gender-based harassment or misconduct include, but are not limited to:

- Unwanted or inappropriate sexual innuendo, propositions, sexual attention or suggestive comments; humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender; insults and threats based on sex or gender; and other verbal, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome;
- Non-academic display or circulation of written materials or pictures degrading to an individual(s) or gender group (It is expected that instructors will offer appropriate warning and accommodation regarding the introduction of explicit and triggering materials used.);
- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or intentionally brushing against an individual's body;
- Undue and unwanted attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures;
- Pressuring or physically coercing an individual to become involved in sexual activity or punishing a refusal to respond or comply with sexual advances;

- Making a student's work or an employee's job more difficult because of that person's sex, gender or gender-identity, or sexual orientation;
- Using a position of power or authority to threaten or punish, either directly or by implication, for refusing to tolerate harassment or submit to sexual activity, or for reporting harassment;
- Making a promise of reward in return for sexual favors;
- Sexually assaulting an individual;
- Abusive, disruptive or harassing behavior, verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on gender and/or in the context of intimate partner violence; and,
- Engaging in demeaning verbal and other expressive behavior of a sexual or gendered nature in instructional settings.

**Intimate Partner Violence:** Intimate partner violence is often referred to as dating violence, domestic violence or relationship violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with the Respondent. Intimate partner violence can encompass a broad range of behavior, including, but not limited to sexual violence. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

The University will not tolerate intimate partner violence of any form. For the purposes of this policy, the University does not define intimate partner violence as a distinct form of misconduct. Rather, the University recognizes that sexual or gender-based harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation may all be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature with the Complainant.

The University will record and report all relevant incidents in compliance with the Clery Act and the Campus SaVE Act,

**Additional Forms of Sexual Misconduct:** Prohibited conduct includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation and sexual offenses against minors.

**Sexual Assault:** Having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Sexual assault may involve

individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Sexual assault includes the following acts:

**Related to Non-consensual Sexual Intercourse:** Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral penetration by mouth-to-genital contact.

**Related to Non-consensual Sexual Contact:** Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.

**Sexual Exploitation:** Sexual exploitation involves taking non-consensual sexual advantage of another person. Examples can include, but are not limited to, the following behaviors:

- Electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images via any medium, without the knowledge and consent of all parties involved.
- Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or publication or sharing of such without the knowledge and consent of all parties involved.
- Spying on others who are in intimate or sexual situations (i.e. voyeurism).
- Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge.
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
- Distributing intimate or sexual information about another person without that person's consent.

**Stalking:** A course of conduct involving one or more instance(s) of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one

another. This will be evaluated based on the perspective of a reasonable person in the position of a Complainant.

**Sexual Offenses Against Persons Under the Age of 18:** Includes photographing, videotaping, filming or depicting on computer an individual under the age of eighteen (18) engaging in an actual or simulated sexual act, lewd exhibition of the genitals or nudity if such nudity is depicted for the purpose of sexual gratification; knowingly disseminating, possessing, controlling or displaying any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 engaging in an actual or simulated sexual act, lewd exhibition of the genitals or nudity if such nudity is depicted for the purpose of sexual gratification.

Additional information on protecting minors and reporting requirements for suspected (or actual) instances of child abuse can be found in the University's Protection of Minors and Reporting Child Abuse Policy (PS-1) at <http://drexel.edu/publicsafety/about/policies/PS-1/>.

**Retaliation:** Acts or attempts to retaliate or seek retribution against the Complainant, Respondent, or any individual or group of individuals involved in a report, investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliation may include continued abuse, violence or other forms of harassment. See Statement Against Retaliation at page 24 of this Policy.

**Statement on Violence:**

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

**Statement on Consent, Coercion, Incapacitation, and Alcohol:** Engaging in sexual activity without consent violates University policy and may result in criminal and/or civil liability.

For purposes of this Policy, consent is a freely and affirmatively communicated willingness to participate in sexual activity or behavior, expressed either by words or clear, unambiguous action. Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent may not be inferred from silence, passivity, lack or resistance or lack of active response. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. For this reasons, relying on non-verbal communication can lead to misunderstandings.

Consent must be present throughout the sexual activity. At any time, a participant can communicate that he or she no longer consents to continuing the activity. If at any time it is reasonably apparent that either party is hesitant, confused or uncertain, sexual activity should stop unless and until mutual verbal consent to continue is given. If there is continued confusion or a question as to whether any participant has consented or continues to consent to sexual activity, it is essential that the participants stop the activity to clearly resolve the confusion or question. Once withdrawal of consent has been expressed, sexual activity must cease.

The existence of a current or previous dating relationship between the persons involved is not sufficient to provide the basis for an assumption of consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

An individual who is incapacitated is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he/she demonstrates that he/she is unaware of where he/she is, how he/she got there, or why or how he/she became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication.

The University considers sexual contact while under the influence of alcohol to be risky behavior. Alcohol impairs a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. From the perspective of the Complainant, the use of alcohol or drugs can limit a person's ability to freely and clearly give consent. From the perspective of a Respondent, the use of alcohol or other drugs can create an atmosphere of confusion over whether or not consent has been freely and clearly sought or given. The perspective of a reasonable person will be the basis for determining whether a Respondent should have been aware of the extent to which the use of alcohol or drugs impacted a Complainant's ability to give consent.

There may be circumstances where an individual while under the influence of drugs and/or alcohol appears to have the ability to give consent at the time of a sexual encounter but later due to a condition known as "Blackout" is unable to recall or remember the details of such an encounter. In determining whether that individual appeared to have the ability to give consent, the reasonable person standard described above will still control.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment or misconduct and does not diminish one's responsibility to obtain consent.

**Personal Relationships:** Drexel University is committed to maintaining an environment in which

learning and discovery take place in a professional atmosphere of mutual respect and trust. While the University respects the privacy of its members, Drexel recognizes that certain relationships in the work and educational setting have the potential to compromise, or appear to compromise, the fairness and objectivity of employment and educational decisions and the discharge of other professional duties. To understand the University's expectations regarding issues that may arise in the educational and employment environment around personal relationships, please see the following policies:

Nepotism/Employment of Relatives & Consensual Amorous Relationships HR-46  
(<http://drexel.edu/hr/resources/policies/dupolicies/hr46/>)

Amorous Relationships Involving Athletics Department Personnel and Student Athletes HR-46.01 (<http://drexel.edu/hr/resources/policies/dupolicies/hr4601/>)

## **VII. ROLE OF THE TITLE IX COORDINATOR**

The University has appointed Michele Rovinsky-Mayer, Associate Vice President, Office of Equality and Diversity, as its Title IX Coordinator. The Title IX Coordinator oversees the University's centralized review, investigation and resolution processes for reports of sexual harassment and misconduct. The Title IX Coordinator is supported by University administrators who serve as Deputy Title IX Coordinators and Title IX Liaisons. Each is knowledgeable and trained in the dynamics of sexual and gender-based harassment and misconduct, in the applicable state and federal laws, and in the applicable University policies. See the University's Title IX Resource Page at <http://www.drexel.edu/titleix>.

The duties and responsibilities of the Title IX and Deputy Title IX Coordinator include:

- Responsibility for overall Title IX compliance;
- Oversight of Deputy Title IX Coordinators;
- Assisting any individual in identifying the appropriate University policy to resolve the complaint in a prompt and equitable manner;
- Provide information and resources to all parties involved in a report under this Policy;
- Central source for all sexual harassment/misconduct allegations;
- Annual and on-going climate checks, tracking and monitoring sexual harassment and misconduct allegations on campus; and,
- Coordination of all training, education and prevention efforts

The Title IX and Deputy Title IX Coordinators are available to meet with any individual, whether a Complainant, a Respondent, or a third party, to discuss interim measures, resources, and procedural options on and off campus. They can be contacted by telephone, e-mail, or in person during regular office hours.

<b>Title IX Coordinator</b>  <b>Michele Rovinsky-Mayer, J.D.</b>	Office of Equality & Diversity James E. Marks Intercultural Center 3225 Arch Street 215-895-1403   <a href="mailto:mrovinsky@drexel.edu">mrovinsky@drexel.edu</a>
<b>Deputy Title IX Coordinators</b>  <b>Alexandra Morrison, J.D.</b> <b>Jenna Perez, MSW, LSW</b>	Office of Equality & Diversity James E. Marks Intercultural Center 3225 Arch Street 215-571-3840 <a href="mailto:amorrison@drexel.edu">amorrison@drexel.edu</a> <a href="mailto:jperez@drexel.edu">jperez@drexel.edu</a>

<b>The University's Title IX Coordinator and Deputy Title IX Coordinators work closely with Title IX Liaisons throughout the University to ensure support and equity among all University policies.</b>	
<b>Title IX Liaison for Faculty Members</b>  <b>Janet Fleetwood, Ph.D.</b>	Vice Provost for Strategic Development & Initiatives 15 S 33rd St, Rm 294 215-895-1827   <a href="mailto:janet.fleetwood@drexel.edu">janet.fleetwood@drexel.edu</a>
<b>Title IX Liaison for Athletics</b>  <b>Laura White</b>	Associate Athletic Director 3141 Chestnut Street 215-895-1417   <a href="mailto:ludwicle@drexel.edu">ludwicle@drexel.edu</a>
<b>Title IX Liaison at DUCOM</b>  <b>Theresa Maher</b>	Executive Director—Human Resources—DUCOM 1505 Race St, 1st Floor 215-762-3357   <a href="mailto:t1m387@drexel.edu">t1m387@drexel.edu</a>
<b>Title IX Liaison for DUCOM Students</b>	Senior Associate Dean for Student Affairs Drexel University College Of Medicine 245 N 15th Street 215-991-8222   <a href="mailto:amy.fuchs@drexelmed.edu">amy.fuchs@drexelmed.edu</a>
<b>Title IX Liaison for DUCOM Faculty Mary M.</b>	Vice President for Health Affairs Vice Dean for Faculty Affairs & Professional Development Drexel University College Of Medicine 245 N 15th

## VIII. CAMPUS AND COMMUNITY RESOURCES

The University is committed to treating all individuals with dignity, care and respect. A Complainant, Respondent, or any other individual impacted by a report of sexual harassment or misconduct will have equal access to support, resources and counseling services through the University. The University recognizes that any individual involved in an incident of sexual misconduct may have questions and we encourage Drexel community members to seek the support of campus and community resources. The University's Title IX Coordinator or Deputy Title IX Coordinators can provide guidance in making decisions, obtaining information about available resources, and assisting any party in the event that an official report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

All Drexel community members can expect:

- The opportunity to meet with the Title IX or Deputy Title IX Coordinator or a member of the Title IX Team to answer questions regarding the University's complaint processes for sexual and gender-based harassment and misconduct;
- Notice of confidential and non-confidential but private resources, including medical treatment and mental health counseling services, both on campus and in the community;
- Notice of the option to pursue law enforcement action and to be assisted by the Drexel University Police Department in making a report;
- That the University take appropriate steps to protect individual safety and well-being and to maintain a campus environment free from harassment and discrimination; and,
- The right to be free from retaliation.

**Confidential Resources and Support:** The University encourages all Drexel community members to report an incident of sexual or gender-based harassment and misconduct. The University recognizes, however, that not every individual will choose to make a formal report with the University or with local law enforcement. As such, the University offers several confidential resources available for students, professional staff and faculty.

Individuals seeking to talk to someone about an incident of sexual harassment or misconduct in a confidential manner without making a report to the University or triggering any investigation or action by the University may utilize the following confidential medical, mental health, and clerical resources. These resources hold a statutorily-protected confidentiality that prohibits the release of an individual's information without that individual's express consent (except under limited circumstances that pose an imminent danger to the individual or to others.)

### **STUDENTS**

#### **The Counseling Center**

Creese Student Center, Suite 201 (215) 895-1415

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

**Student Health Center** University City Science Center 3401 Market Street, Suite 105B  
(215) 220-4700

Any individual who believes that he or she has been the victim of sexual misconduct should seek medical treatment immediately. The Drexel Student Health Center (DSHC) is staffed with faculty physicians and nurse practitioners from the Drexel University College of Medicine Department of Family and Community Medicine. DSHC provides a range of health services in a confidential environment.

### **Pastoral Counselors affiliated with Spiritual and Religious Life**

James E. Marks Intercultural Center, 3225 Arch Street,

[http://drexel.edu/studentaffairs/get\\_involved/interfaith\\_council/](http://drexel.edu/studentaffairs/get_involved/interfaith_council/) 215-895-2501

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

## **EMPLOYEES**

### **Employee Assistance Program**

Employees may also receive confidential counseling services through the Employee Assistance Program. The Employee Assistance Program is handled through Health Advocate. They provide guidance and counseling for faculty and professional staff. For questions or assistance, call Health Advocate directly at 866-799-2728 or visit the Health Advocate website at <http://members.healthadvocate.com/Secure/Default.aspx>

### **Drexel Medicine University City**

Located at the University City Science Center at 34th & Market Street, adjacent to the Drexel Student Health Center, the medical practice is staffed by faculty physicians from Drexel University College of Medicine's Department of Family, Community & Preventive Medicine. For questions or to schedule an appointment, call 215-220-4720 or visit the website at <http://www.drexel.edu/now/features/archive/2013/January/Drexel-Medicine-University-City/>

**Campus Resources:** In addition to the confidential resources listed above, all Drexel community members have access to a variety of resources provided by the University. These resources can provide crisis intervention services, counseling, academic support and medical services. All of the professional staff listed below are trained to support individuals affected by sexual and gender-

based harassment or misconduct and to coordinate with the University's Title IX Coordinator in order to provide a consistent University response and promote a safe and healthy educational and employment environment. While not bound by confidentiality, these resources will maintain an individual's privacy within the limited circle of those involved in the University's Title IX investigation and resolution.

**Office of Equality & Diversity**  
**James E. Marks Intercultural Center**  
3225 Arch Street

**Drexel University Department of Public Safety**  
3201 Arch Street, Third Floor  
215-895-2222 (Emergency)  
911 (Emergency)

**Community Resources:** Students and employees may also access resources in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in navigating the criminal justice system. All individuals are encouraged to utilize the resources best suited to their needs, whether on or off campus. In general, off campus resources can provide assistance to individuals wishing to make a report to the University, but will not notify the University without the consent of the Complainant.

See the University's Title IX Resource Page at <http://www.drexel.edu/titleix>.

## **IX. REPORTING SEXUAL AND GENDER-BASED HARASSMENT AND MISCONDUCT**

### **Emergency/Immediate Reporting Options:**

**Any member of the University community who has experienced or is aware of an incident of sexual misconduct is encouraged to seek the assistance of the Drexel University Department of Public Safety, (215) 895-2222, or call 911. A report can be made 24 hours a day, 7 days a week.**

The University recognizes that in an emergency situation where a person's health or safety is at risk, trained police officers are in the best position to quickly and effectively respond. We encourage all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct to address any concerns about personal safety and physical and emotional well-being. This allows for the preservation of evidence and the ability to begin a timely investigative and remedial response. The University will assist any Drexel community member to get to a safe place and will provide transportation to the hospital or local law enforcement.

Not all sexual misconduct prohibited by this policy constitutes criminal behavior. Law enforcement authorities can assist in determining whether the conduct experienced was criminal in nature and warrants a criminal complaint. If the incident occurred off campus, an officer can assist in contacting the appropriate law enforcement agency.

**Medical Treatment:** Students and employees are strongly encouraged to seek medical treatment. A medical provider can provide emergency and/or follow-up medical services, and the opportunity to discuss any health care concerns in a confidential medical setting. A medical exam following a sexual assault has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence.

<p align="center"><b>Drexel University Department of Public Safety</b></p>	<p>3201 Arch Street, Third Floor</p> <ul style="list-style-type: none"> <li>• 215-895-2222 (Emergency)</li> </ul>
<p align="center"><b>Special Victims Unit of the Philadelphia Police Department</b></p>	<ul style="list-style-type: none"> <li>• 215-685-3251/2/3</li> </ul>
<p><b>The Philadelphia Sexual Assault Response Center (PSARC):</b> The mission of PSARC is to provide medical care and forensic examinations to victims of sexual assault in a private and personal setting designed to minimize stress or further trauma to the victim. PSARC has specially trained nurses on-call 24 hours a day, 7 days a week who will perform a rape exam, collect evidence, and provide advice and counseling referrals to victims of rape and sexual violence. The PSARC on-call response is activated through the Philadelphia Police Special Victims Unit.</p>	<p>300 East Hunting Park Avenue Philadelphia, PA 19125</p> <ul style="list-style-type: none"> <li>• 215-800-1589</li> </ul>
<p align="center"><b>Jefferson University Hospital, Emergency Department &amp; Sexual Assault Center</b></p>	<p>132 South 10th Street (On the corner of 10th and Sansom Streets)</p> <ul style="list-style-type: none"> <li>• 215-955-6840 (Emergency)</li> </ul>
<p align="center"><b>Hahnemann University Hospital</b></p>	<p>230 North Broad Street (On the corner of Broad and Vine Streets)</p> <ul style="list-style-type: none"> <li>• 215-762-7963 (Emergency)</li> </ul>

**Centralized University Reporting Options:** To enable the University to respond to all reports in a prompt and equitable manner, any individual who wishes to report an incident of sexual or gender-based harassment or misconduct is encouraged to make a direct report to:

- Title IX Coordinator or Any Deputy Title IX Coordinator | 215-895-1403  
Office of Equality & Diversity, James E. Marks Intercultural Center, 3225 Arch Street
- Drexel Department of Public Safety | 215-895-2222  
3201 Arch Street, Third Floor

The University recognizes, however, that a student or employee may choose to report sexual or gender-based harassment or misconduct to any trusted employee of the University. For example, a student may choose to confide in a Resident Advisor, a faculty member, or a coach. Similarly, an employee may choose to confide in a supervisor.

The University encourages all individuals, whether as a Complainant or a third party, to report incidents of sexual harassment or misconduct involving a member of the Drexel community to the Title IX Coordinator or Deputy Title IX Coordinator(s) and/or Department of Public Safety or. Any incident involving a Drexel student, employee or visitor should be reported regardless of where or when it occurred.

All officers, deans, department heads, faculty members, academic advisors, directors and supervisors, as well as any professional staff, student employees or volunteers who are responsible for student welfare, must report any and all incidents of discrimination and harassment to the Office of Equality and Diversity, regardless of whether or not the individual witnessed the incident or learned of it through the Complainant or a third party.

**Title IX Team:** The Title IX Coordinator, working with the Title IX team, will ensure that the University responds to all reports in a timely, effective and consistent manner. The Title IX Coordinator is charged with the review, investigation and resolution of all reports to ensure consistent application of policy and the integrated provision of interim measures to support the individuals involved and protect campus safety. The Title IX team always consists of: Title IX Coordinator, Deputy Title IX Coordinator(s), and Department of Public Safety. Depending on the nature of the report, it may also include Office of Student Conduct and Community Standards, the Dean of Student Life, the Associate Dean for Counseling and Health, Human Resources and the Office of the Provost, as applicable.

**Choosing Whether and Where to Report:** The University recognizes that an individual's decision whether or not to report sexual or gender-based harassment or misconduct is personal, and that there is no one "right" way to respond. Not every individual will be prepared to make a report to the University or to law enforcement, and individuals are not expected or required to pursue a specific course of action. Moreover, an individual does not have to decide whether or not to request a specific course of action at the time the report is made. The University recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. At all times, the University will seek to respect

an individual's autonomy in making these important decisions.

As outlined in the Resources section of this policy, there are confidential resources on campus and in the community available to individuals not wishing to make a report to the University.

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

**Anonymous Reporting:** Any individual may make an anonymous report concerning an act of sexual harassment or misconduct. An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, the University's ability to respond to an anonymous report may be limited.

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

**Time frame for Making a Complaint:** There is no time limit on making a complaint of sexual misconduct to University administration. However, individuals are strongly encouraged to report incidents of, or share information about, sexual misconduct as soon as possible after the incident occurs. The thoroughness of a sexual misconduct investigation is greatly enhanced if evidence is collected, preserved and maintained, witnesses are located and statements are memorialized immediately.

The University may not be able to pursue disciplinary action against an individual who is no longer affiliated with the University. The University, however, will still conduct a Title IX review, offer appropriate accommodations to a Complainant, and take appropriate action to eliminate a hostile environment.

**Coordination with Law Enforcement:** A Complainant may seek resolution through the University's complaint process, may pursue criminal action, may do one but not the other, or may do both. The University encourages Complainants to pursue criminal action for incidents of sexual harassment or misconduct that may also be crimes under Pennsylvania law. When a Complainant seeks to pursue a criminal complaint, the University, through the Department of Public Safety, will notify the Philadelphia Police Department of the allegations. The University will assist the Complainant in making a criminal report and will cooperate with law enforcement agencies throughout the criminal process to the extent permitted by law. However, a Complainant may choose not to pursue a criminal complaint, and under most circumstances, the Philadelphia Police Department will not prosecute against the complainant's wishes.

The University's policy, definitions and burden of proof differ from Pennsylvania criminal law. As such, neither law enforcement's determination of whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, will be determinative of whether sexual or gender- based harassment or misconduct has occurred under this policy. Proceedings under the University's Sexual or Gender-Based Harassment and Misconduct Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

At the request of law enforcement, the University may agree to temporarily defer its Title IX investigation until after the initial stage of a criminal investigation. The University will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The University will promptly resume its formal Title IX investigation as soon as law enforcement has completed its initial investigation.

**Amnesty for Students Who Report Sexual Misconduct:** The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report or provide information in connection with an investigation under this Policy because of potential Student Conduct consequences for his/her own conduct. When information is uncovered through the Title IX investigative process that involves alcohol or drug usage in violation of the student Code of Conduct, this information will not be used to pursue any disciplinary action for alcohol or drug use, provided that any such violations did not and/or do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

**Bystander Intervention:** The University expects all community members to take reasonable and prudent actions to prevent or stop an act of sexual harassment or misconduct. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

**Statement Against Retaliation:** It is a violation of University policy to retaliate in any way against an individual or a group because the individual or group of individuals reported an allegation or participated in an investigation or resolution of a complaint of sexual harassment or misconduct. The University recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a Respondent can also be the subject of retaliation by the Complainant or a third party. The University will take immediate and responsive action to any report of retaliation and may pursue disciplinary action as appropriate.

**Special Reporting Obligations for Suspected Abuse of a Child:**

All University employees are required to comply with all applicable laws regarding the protection of minors and reporting obligations for suspicion of child abuse or neglect. This includes, but is not limited to, any suspicion involving sexual violence against a child or the

creation, possession, or viewing of child pornography. Please see the University's Protection of Minors and Reporting of Child Abuse Policy (PS-1) at <http://drexel.edu/publicsafety/about/policies/PS-1/>.

## **X. INTERIM MEASURES**

Upon receipt of a report, the University will provide interim support and reasonable protective measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. The University will determine the necessity and scope of any interim measures. Even when a Complainant or Respondent does not specifically request that protective action be taken, the University may choose to impose interim measures at its discretion to ensure the safety of any individual, the broader University community or the integrity of the review process.

While investigating complaints under this Policy, the University may take such temporary or interim measures as are necessary and appropriate under the circumstances to ensure that no further violations occur while an investigation is ongoing. This may include placing an individual on leave from employment and/or from all University-related activities, including campus residency. An individual seeking such assistance should speak with the Title IX Coordinator or a Deputy Title IX Coordinator, who will coordinate such requests on his/her behalf. The University will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce measures previously ordered or implemented by the University.

The University may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if not specifically listed here. The range of interim measures may include:

**No Contact Order:** A Complainant or Respondent may request, or the University may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in person, telephone, electronic or third party communications. A student or employee can always request modification of the order. The University may also limit an individual or organization's access to certain University facilities or activities as part of the no contact order.

**Protection From Abuse Order:** In some cases, an individual may wish to consider a Protection From Abuse Order from the local courts of the Commonwealth of Pennsylvania. This is a civil proceeding independent of the University. If a court order is issued the University will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on campus compliance with the order. The court enforces the order through law enforcement. The University does not enforce the order but does enforce its own rules. It is important to note that a civil court order may, unless the court is fully informed, prevent the

University from conducting a hearing in which students who are subject to the order want to be present and provide information.

**Academic, Employment or Residence Modifications:** A Complainant or Respondent may request an academic or employment accommodation or a change in residence after a report of sexual or gender-based harassment or misconduct. An individual who requests assistance in changing their academic or living situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations. These may include:

Academic accommodations, including a change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via Skype or other alternative means, providing an academic tutor, or extending deadlines for assignments

Change in housing assignment

Change in work assignment or schedule

Providing an escort to ensure safe movement between classes and activities

**Emotional Support:** The University will provide counseling services through the Counseling Center or will assist in providing a referral to off campus agencies as detailed in the Campus and Community Resources section of this policy. Counseling and emotional support is available to any member of the campus community.

**Interim Separation:** Where the report of sexual misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the University may place an individual or organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may be denied access to campus. When interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

## **XI. REVIEW, INVESTIGATION & RESOLUTION OF COMPLAINTS**

The University will review and respond to all reports of sexual and gender-based discrimination, misconduct and harassment. The Title IX team, under the leadership of the Title IX Coordinator, will oversee the University's investigation and resolution. In every report of sexual or gender-based harassment or misconduct, the University will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the investigation may continue depending on a variety of factors, including the Complainant's wish to pursue

disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation. The University's responsibility to review all allegations of sexual misconduct exists regardless of whether that review culminates in additional investigation or goes before a conduct board, and exists independently of the criminal justice process.

**Investigation:** The University will designate an investigator of its choosing. Any investigator used by the University, whether internal or external, must have specific training and experience investigating allegations of sexual misconduct and harassment. The investigation will be thorough, impartial and fair, and all individuals will be treated with the appropriate sensitivity and respect.

Typically, all criminal sexual misconduct allegations will be investigated by the Special Victims Unit of the Philadelphia Police Department in conjunction with Drexel's Department of Public Safety. All other sexual and gender-based harassment and misconduct allegations will be investigated by the Office of Equality and Diversity ("OED") depending on the facts and circumstances of the case.

As described in the Privacy section, all University investigations will respect individual privacy concerns.

The first step of an investigation will usually be a preliminary interview of the Complainant by a member of the Title IX team. The investigator will then coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator may also consider prior allegations of, or findings of responsibility for, sexual misconduct by the Respondent.

Information gathered during the review or investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the individual and the University campus community, and impose remedies as necessary to address the effects of the alleged conduct. Based on the results of the review or investigation, the University will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

**Request for Confidentiality:** Where the University has received a report of sexual or gender-based harassment or misconduct, but the Complainant requests that his/her identity remain confidential or that the University not pursue an investigation, the University must balance this request in the context of its responsibility to provide a safe and non-discriminatory environment for all University community members. The University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to investigate may be limited by the request for confidentiality. Under these circumstances, the University will weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment, any potential threats to community safety, the respective ages and positions of the Complainant and the Respondent, whether there have been other harassment complaints against the Respondent,

and the Respondent's right to receive information under applicable law.

At all times, the University will seek to respect the request of the Complainant, and where it cannot do so, the University will consult with the Complainant and keep him/her informed about the chosen course of action.

**Time Frame for Resolution:** The investigation and resolution of all reports will generally be completed within 60 days. Extenuating circumstances may arise that require the complaint process to extend beyond 60 days. In the event that the investigation and resolution exceed this time frame, the University will notify all parties of the need for additional time and best efforts will be made to complete the process in a timely manner. In general, a Complainant and Respondent can expect to receive periodic updates as to the status of the review or investigation.

**Title IX Inquiry:** The University is dedicated to assisting individuals who are victims of sexual or gender-based harassment or misconduct. Complainants are encouraged, but never pressured, to participate in the University's investigation and hearing process so that the facts of each report can be explored and responsible parties held accountable for their misconduct, if warranted.

If a Complainant chooses not to participate in a full investigation and/or conduct board, a Title IX inquiry and review may still move forward. The purpose of this inquiry is to review the report and seek to reach a resolution that will eliminate any harassment, prevent its recurrence, and address its effects.

When a Complainant requests that a hearing not occur, the University will make every reasonable effort to comply with that request. There may be exceptional circumstances when the University decides to proceed with a hearing despite the request of a Complainant. The Complainant, however, will not be required to participate in a hearing process.

As noted above, where the University has received a report of sexual or gender-based harassment or misconduct, but the Complainant requests that his/her identity remain confidential or that the University not pursue an investigation, the University will balance this request with its responsibility to provide a safe and non-discriminatory environment for all University community members.

If the University is satisfied that the matter can be resolved without invoking the disciplinary process, the University will inform the Complainant in writing of the outcome of the investigation and any action taken by the University. In cases where the Respondent has been notified of the complaint, the Respondent will also be notified in writing.

Upon the conclusion of an investigation, both parties will be advised in writing of the investigator's determination. Also, depending on whether a student or employee is involved, the investigator's determination will be forwarded to the Office of Student Conduct and Community Standards, the Office of the Provost, or Human Resources.

**Resolution:** The Title IX team oversees the resolution of reported harassment and misconduct through the College's complaint processes. The process will be determined by the role of the

Respondent:

- Complaints against students will be resolved under the Student Code of Conduct. See Appendix A.
- Complaints against all employees (both faculty and professional staff) will be resolved utilizing the procedures outlined in Appendix B.

Each process is guided by the same principles of fairness and respect for all parties. Before any disciplinary action is taken, all parties will have notice of the allegations, the opportunity to respond, and the opportunity to be heard. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance and support throughout the investigation and resolution of the complaint.

## **XII. SANCTIONS**

If any individual is found to have violated this Policy under the preponderance of the evidence standard, the University will address such misconduct promptly and effectively through appropriate remedial measures and/or sanctions. In the case of faculty and employees, sanctions may take the form of disciplinary action up to and including discharge from employment. In the case of students, sanctions may include disciplinary action up to and including expulsion. Third parties who engage in such misconduct also may be sanctioned, including termination of the University's contract or other arrangements with such third party.

Even in cases in which the University concludes that a policy violation has not occurred, or that the evidence is such that a definitive conclusion cannot be reached, the University nonetheless may determine that appropriate remedial measures or sanctions are necessary or advisable. Such measures may include disciplinary action and/or counseling, training and monitoring.

## **XIII. EDUCATIONAL PROGRAMS**

The University educates its community about sexual misconduct through diverse educational opportunities for faculty, professional staff and students. These include, but are not limited to, mandatory employee training, educational programs for senior administrators and first responders, freshman and transfer-student orientation programs each fall, and in-person programs for residential living, athletics and Greek organizations. Through tracking trends, OED is proactive about targeted training as needed. The OED and other University partners offer sexual assault education and information programs to University students and employees upon request. Literature on non-stranger rape education, violence prevention, bystander prevention programming, risk reduction and University response is available through the Office of Equality and Diversity.

## Appendix A

### **Procedures for Resolving Reports Against Students**

#### **I. Overview of Procedural Options**

Any person may make a report against any student or student organization for alleged violation(s) of a University policy, rule, regulation, or standard of conduct. Although a report may come in through many sources, the University is committed to ensuring that all reports are referred to the Title IX Coordinator (or OED), who will ensure consistent application of the policy to all individuals and allow the University to respond promptly and equitably to eliminate the prohibited conduct, prevent its recurrence, and address its effects.

Per the Sexual and Gender-Based Harassment and Misconduct Policy (OED-3), upon receipt of a report, the University will conduct an initial assessment, described in OED-3 as a Title IX Inquiry. The Title IX Inquiry will consider the nature of the report; the safety of the Complainant, any other individual and of the broader campus community; the Complainant's expressed preference for resolution; and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community.

Following the Title IX Inquiry, the University may, at the discretion of the Title IX Coordinator: 1) seek a voluntary and informal resolution that does not involve disciplinary action against a Respondent; or, 2) initiate a Title IX Investigation to determine if there is sufficient information to refer the report for disciplinary action. Each resolution process is guided by the same principles of fairness and respect for all parties. Resources are available for both students and employees, whether as Complainants or Respondents, to provide support and guidance throughout either process. Reasonably available interim measures will be provided regardless of the chosen course of action.

At every stage in the process, the Complainant and Respondent are each entitled to an advisor of their choice. The advisor may accompany a Complainant or Respondent to any disciplinary proceeding or related meeting. The advisor may not be a party or witness involved in the Investigation, nor may the advisor speak or otherwise participate in the hearing or meetings.

#### **II. Voluntary and Informal Resolution**

Voluntary and informal resolution is designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Title IX Inquiry concludes that an alternative to a Title IX Investigation may be appropriate, the University will take immediate and corrective action through the imposition of individual and community

remedies designed to maximize the Complainant's access to the educational, extracurricular and employment activities at the University and to eliminate a hostile environment.

Examples of protective measures and accommodations are outlined in the Interim Measures section of OED-3. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the University. Depending on the form of voluntary and informal resolution used, it may be possible for a Complainant to maintain anonymity.

The University may offer mediation for appropriate cases, but will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault. Participation in informal resolution is voluntary, and a Complainant can request to end the informal resolution process at any time.

The Title IX Coordinator will maintain records of all reports and conduct resolved through voluntary and informal resolution, which will typically be completed within sixty (60) calendar days of the initial report.

### **III. Title IX Investigation**

As described in OED-3, the University, through the Title IX Coordinator, will designate an investigator of its choosing. Any investigator used by the University, whether internal or external, must have specific training and experience investigating allegations of sexual misconduct and harassment. The investigation will be thorough, impartial and fair, and all individuals will be treated with the appropriate sensitivity and respect.

The first step of an investigation will usually be a preliminary interview of the Complainant by a member of the Title IX team. The investigator will then coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator may also consider prior relevant allegations of, or findings of responsibility for, sexual misconduct by the Respondent. The investigator will determine the relevancy of any proffered information. The investigator will not consider statements of personal opinion and statements as to any party's general reputation for any character trait.

Complainants are encouraged, but never pressured, to participate in the University's investigation and hearing process so that the facts of each report can be explored and responsible parties held accountable for their misconduct, if warranted. If a Complainant

chooses not to participate in a full investigation and/or disciplinary proceeding, the University may assist the Complainant in seeking a voluntary and informal resolution. When a Complainant requests that a hearing not occur, the University will make every reasonable effort to comply with that request. As explained more fully in OED-3, there may be exceptional circumstances when the University decides to proceed with a hearing despite the request of a Complainant. The Complainant, however, will not be required to participate in a hearing process.

At the conclusion of the fact gathering phase of the investigation, the Complainant and Respondent shall both be given an opportunity to review a draft investigative report and offer any additional information or comment or request that additional investigative steps be taken.

After incorporating any comments by the parties, the investigator, in consultation with the Title IX Coordinator, will make a threshold determination whether the elements of a policy violation have been raised and whether a reasonable person could conclude, based on the information gathered in the investigation, that a violation of OED-3 or any other University policy had occurred.

Upon the conclusion of an investigation, both parties will be advised in writing of the investigator's determination. The parties will have the opportunity to meet with the Title IX Coordinator to review the investigative report, the threshold determination and discuss next steps including the student conduct process.

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

#### **IV. Administrative Review of Determination that the Policy Elements Have Not Been Raised**

If the determination has been made that the elements of a policy violation have not been raised, or that a reasonable person could not conclude, based on the information gathered in the investigation, that a policy violation had occurred, the Complainant may request Administrative Review of the finding by submitting a written request to the Title IX Coordinator within five (5) calendar days within receipt of the determination. Administrative Review will be conducted by an impartial decision-maker selected by the Title IX Coordinator (“Reviewer”). The Reviewer may consult with the investigator, the Complainant, the Respondent, or any other individual with relevant information. The

Complainant or Respondent also may submit additional information to the Reviewer in writing. The Reviewer may agree with the investigative finding, request additional investigative follow-up, or direct that the report be forwarded to the Office of Student Conduct and Community Standards for further action. The Reviewer will render a decision in writing to both the Complainant and Respondent within thirty (30) calendar days of the request for review. The decision of the reviewer to take no further action is final and may not be appealed.

## **V. Adjudication and Disciplinary Action**

If the determination has been made that the elements of a policy violation have been raised, or that a reasonable person could conclude, based on the information gathered in the investigation, that a policy violation occurred, the Title IX Coordinator will direct the manner of resolution, which may include a form of informal and voluntary resolution (see above), acceptance of responsibility by the Respondent or adjudication. Permissible manners of adjudication include: 1) resolution by an external adjudicator or 2) resolution by a Conduct Board. In either manner of adjudication, the standard for evaluating whether OED-3 has been violated is preponderance of the evidence.

### **A. Acceptance of Responsibility**

After receiving the formal charge(s) from the Office of the Student Conduct and Community Standards, the Respondent may choose not to contest the charge(s) and give up the right to a hearing by accepting responsibility for all charges. If a Respondent accepts responsibility, the Complainant will be notified in writing and both parties will have the opportunity to submit written information for consideration by the Office of Student Conduct and Community Standards; a Complainant may submit an impact statement, and a Respondent may submit a mitigation statement.

The Office of Student Conduct and Community Standards, in consultation with the Title IX Coordinator, will impose the appropriate sanction(s) (see below for guidelines and range of permissible sanctions). The Complainant and Respondent will be simultaneously notified of the sanction(s) and rationale for the sanction in writing, and this sanction decision may only be appealed by both parties based on Severity of Sanction. If there is no appeal by either party, the sanction imposed by the Office of Student Conduct and Community Standards will be final.

### **B. Choice of Adjudicator**

Where it is determined that the report should be adjudicated by a Conduct Board, the Title IX Coordinator and Office of Student Conduct and Community Standards shall designate Conduct Board members who are trained, neutral, impartial and free from conflict.

At the discretion of the Title IX Coordinator, in consultation with other relevant University

constituents, the University may engage an external adjudicator to serve in lieu of the hearing panel whenever, in the exercise of judgment, doing so will best serve the fair and equitable resolution of the complaint. In making the determination to select an external adjudicator, the Title IX Coordinator will consider, among other factors, the nature of the report, the complexity of the facts, whether there is any issue of conflict of interest, the availability of trained panel members for the hearing, whether the University is in session or on break, or any other relevant factors.

The external adjudicator will be a neutral party outside of the University, usually an attorney, retired judge or seasoned student conduct administrator, who is trained and experienced in dispute resolution, the dynamics of sexual misconduct, and the University's policies and procedures. The external adjudicator is supported by the Title IX Coordinator (or designated Deputy Title IX Coordinator) and Assistant Dean for Student Conduct and Community Standards, who will be present during the hearing to serve as a resource for the external adjudicator on issues of policy and procedure, and to assure that policy and procedure are appropriately followed throughout the hearing.

### **C. Hearing Procedures**

Regardless of whether an external adjudicator or conduct board is used, the hearing procedures are the same. In advance of the hearing, the Assistant Dean for Student Conduct and Community Standards will provide the investigative report to the designated external adjudicator/conduct board. The external adjudicator/conduct board will have an opportunity to review the investigative report at least five (5) calendar days prior to the hearing.

The Complainant, Respondent and witnesses will be notified in writing as to the time, date and location of the hearing. Hearings before the external adjudicator/Conduct Board are not open to the public.

Unless the Complainant has declined to participate in the investigation or hearing process, both the Complainant and Respondent will be expected to appear before the external adjudicator/conduct board. The Complainant and the Respondent may be present throughout the hearing, although a Complainant or Respondent may request alternative options that would not require physical proximity to the other party, including participating via a remote electronic method.

In the event of a concurrent criminal investigation, either party may decline to present information at the hearing; no adverse inference will be drawn against the party. Failure to attend the hearing may subject the Respondent and witnesses to disciplinary or other appropriate action. If either party fails to attend the hearing, fails to arrive at the scheduled time, or declines to present additional information, the external adjudicator/conduct board may consider all information gathered in the investigation and any information presented at

the hearing and proceed to a determination in the absence of the Complainant or Respondent.

The investigator will be responsible for presenting an overview of the investigation. Both the Complainant and the Respondent will have an opportunity to present a brief introductory remarks to the external adjudicator/conduct board. The external adjudicator/conduct board may also choose to hear from and question witnesses. All questioning will be conducted by the external adjudicator/conduct board. The parties may not directly question one another or any witness, although they may proffer questions for the external adjudicator/conduct board, who may choose, in their discretion, to pose appropriate and relevant questions of the investigator, the parties and the witnesses. Prior to the conclusion of the hearing, the parties shall have the opportunity for a short recess, of up to fifteen (15) minutes, to meet with their respective advisors and prepare for any brief concluding remarks.

If the external adjudicator/conduct board determines, by a preponderance of the evidence standard (“more likely than not”), that the Respondent has violated the Sexual and Gender-Based Harassment and Misconduct Policy (OED-3), both parties will be simultaneously notified of the outcome in writing. If there is a finding of responsibility, both parties will be given an opportunity to submit written information for consideration in determining appropriate sanctions; a Complainant may submit an impact statement, and a Respondent may submit a mitigation statement.

Depending on the manner of adjudication, sanctioning will occur as follows:

- The Assistant Dean for Student Conduct and Community Standards, in consultation with the Title IX Coordinator and external adjudicator, will determine the appropriate sanction.
- The Conduct Board will recommend a sanction to the Assistant Dean for Student Conduct and Community Standards and the Assistant Dean, in consultation with the Title IX Coordinator, will determine the appropriate sanction

Both parties will receive simultaneous written notice of the outcome, the sanction and the rationale for both within ten (10) calendar days of the conclusion of the hearing.

There will be a single verbatim audio recording of all hearings before the external adjudicator/conduct board, which will be the sole property of Drexel University. This recording will be maintained only until the appeal process has concluded or until the time of appeal has lapsed. At that time, the recording shall be destroyed.

## **VI. Sanction Guidelines for Violating the Sexual Harassment and**

## Misconduct Policy

The University considers the sanctions listed below to be guidelines when adjudicating Sexual and Gender-Based Harassment and Misconduct policy violations. Each incident is reviewed on an individual basis. The Policy prohibits a broad range of behaviors, all of which are serious in nature. Depending on the specifics of the incident, more or less severe sanctions may be imposed.

In determining the appropriate sanction, the adjudicator shall consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the Complainant or other appropriate parties;
- the impact or implications of the conduct on the community or the University;
- prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the University or elsewhere (if known), including criminal convictions;
- whether the Respondent has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the University community; and,
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

Sanctions that may be imposed under this policy include:

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

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

Disciplinary Probation: Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed offices, student research, athletics, some student employment, and study abroad). Additional restrictions or conditions may also be imposed.

Violations of the terms of disciplinary probation or any other University policy violations may result in further disciplinary action.

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

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

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

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

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

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

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

## VII. Appeals

Both the Complainant and the Respondent may appeal the outcome or the sanction within ten (10) calendar days of receiving written notice of the outcome and sanction. The appeal shall consist of a plain, concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Each party will be notified if the other party files an appeal, and will be provided the opportunity to respond in writing.

At the discretion of the Title IX Coordinator, an appeal may be assigned to either an Appellate External Adjudicator or the Office of Student Conduct and Community Standards Appeal Board. The Appellate External Adjudicator and the Office of Student Conduct and Community Standards Appeal Board shall each be referred to as the "Appellate Authority" in the following procedures.

The Complainant and Respondent may appeal only the parts of final outcome directly relating to themselves. Dissatisfaction with the outcome of the hearing alone is not grounds for appeal. The Appellate Authority shall hear appeals on the following grounds:

- a) ***Severity of the sanction imposed:*** To determine whether the sanction(s) imposed was appropriate for the violation of OED-3 of which the student was found in violation.

- b) ***Improper procedure:*** To determine whether the original adjudication process was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures.
  
- c) ***New information that has become available that was not reasonably available at the time of the hearing:*** To consider new information sufficient to alter a decision or other relevant facts not brought out in the original adjudication process, because such information and/or facts were not known or reasonably available to the person appealing at the time of the original hearing.

Appeals are not intended to be full rehearing of the report. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for the Appellate Authority to substitute their judgment for that of the original hearing body, but rather may only make changes to the finding when at least one of the three specified grounds for appeal is established and a clear error or an abuse of discretion.

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

## Appendix B

### **Procedures for Resolving Reports Against Employees**

#### **I. Overview of Procedural Options**

Any person may make a report against any employee for alleged violation(s) of a University policy, rule, regulation, or standard of conduct. Although a report may come in through many sources, the University is committed to ensuring that all reports are referred to the Title IX Coordinator (or OED), who will ensure consistent application of the policy to all individuals and allow the University to respond promptly and equitably to eliminate the prohibited conduct, prevent its recurrence, and address its effects.

Per the Sexual Harassment and Misconduct Policy (OED-3), upon receipt of a report, the University will conduct an initial assessment, described in OED-3 as a Title IX Inquiry. The Title IX Inquiry will consider the nature of the report; the safety of the Complainant, any other individual and of the broader campus community; the Complainant's expressed preference for resolution; and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community.

Following the Title IX Inquiry, the University may, at the discretion of the Title IX Coordinator: 1) seek a voluntary and informal resolution that does not involve disciplinary action against a Respondent; or 2) initiate a Title IX Investigation to determine whether a violation has occurred. Each resolution process is guided by the same principles of fairness and respect for all parties. Resources are available for all parties, whether as Complainants or Respondents, to provide support and guidance throughout either process. Reasonably available interim measures will be provided regardless of the chosen course of action.

#### **II. Voluntary and Informal Resolution**

Voluntary and informal resolution is designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Title IX Inquiry concludes that an alternative to a Title IX Investigation may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational, extracurricular and employment activities at the University and to eliminate a hostile environment.

Examples of protective measures and accommodations are outlined in the Interim Measures section of OED-3. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the University. Depending on the form of voluntary and informal resolution used, it may be possible for a Complainant to maintain anonymity.

The University may offer mediation for appropriate cases, but will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault. Participation in informal resolution is voluntary, and a Complainant can request to end the informal resolution process at any time.

The Title IX Coordinator will maintain records of all reports and conduct resolved through voluntary and informal resolution, which will typically be completed within sixty (60) calendar days of the initial report.

### **III. Title IX Investigation**

As described in OED-3, the University, through the Title IX Coordinator, will designate an investigator of its choosing. Any investigator used by the University, whether internal or external, must have specific training and experience investigating allegations of sexual misconduct and harassment. The investigation will be thorough, impartial and fair, and all individuals will be treated with the appropriate sensitivity and respect.

The first step of an investigation will usually be a preliminary interview of the Complainant by a member of the Title IX team. The investigator will then coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator may also consider prior relevant allegations of, or findings of responsibility for, sexual or gender - based misconduct by the Respondent. The investigator will determine the relevancy of any proffered information. The investigator will not consider statements of personal opinion and statements as to any party's general reputation for any character trait.

Complainants are encouraged, but never pressured, to participate in the University's investigation and disciplinary process so that the facts of each report can be explored and responsible parties held accountable for their misconduct, if warranted. If a Complainant chooses not to participate in a full investigation and/or disciplinary proceeding, the University may assist the Complainant in seeking a voluntary and informal resolution. When a Complainant requests that an investigation not occur, the University will make every reasonable effort to comply with that request. As explained more fully in OED-3, there may be exceptional circumstances when the University decides to proceed with an investigation despite the request of a Complainant.

At the conclusion of the fact gathering phase of the investigation, the Complainant and Respondent shall both be given an opportunity to review a draft investigative report and offer any additional information or comment or request that additional investigative steps be taken.

After incorporating any comments by the parties, the investigator, in consultation with the Title IX Coordinator, will make a determination whether a policy violation has occurred.

Upon the conclusion of an investigation, both parties will be advised in writing of the investigator's determination. The parties will have the opportunity to meet with the Title IX Coordinator to review the investigative report, the finding, and discuss next steps.

The investigation will typically be completed within thirty (30) calendar days of the initiation of the investigation, although the complexity of a report or other factors may require a longer time frame. The time frame may be extended for good cause to ensure the integrity and completeness of the investigation, to accommodate the availability of witnesses, to address University breaks or vacations, or other legitimate reasons. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing.

#### **IV. Disciplinary Action**

If the determination has been made that a policy violation has occurred, the Title IX Coordinator will coordinate any disciplinary action with Human Resources and the respondents' supervisor and/or other appropriate administrators with oversight over the relevant unit.

If a faculty member is found by OED to have violated this policy, the dean of the college, school, or center and the department head in which the faculty member has his or her primary appointment, in consultation with OED, will determine the appropriate disciplinary action to be taken against the faculty member to address the violation and to prevent its reoccurrence. The dean of the relevant college, school, or center will consult with the Provost, as needed, or if the disciplinary action contemplated is termination.

#### **V. Discipline Guidelines for Violating the Sexual Harassment and Misconduct Policy**

The University considers the discipline listed below to be guidelines when addressing Sexual Harassment and Misconduct policy violations. Each incident is reviewed on an individual basis. The Policy prohibits a broad range of behaviors, all of which are serious in nature. Depending on the specifics of the incident, more or less severe sanctions may be imposed. In determining the appropriate discipline, the University shall consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the Complainant or other appropriate parties;
- the impact or implications of the conduct on the community or the University;
- prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the University or elsewhere (if known), including criminal convictions;
- whether the Respondent has accepted responsibility for the conduct;
- maintenance of a safe and respectful educational and employment environment;

- protection of the University community; and,
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

Discipline that may be imposed under this policy include:

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

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

Formal Performance Improvement Plan – see Performance Improvement Process Policy, H.R. 43.

Restitution: Repayment to the University or to an affected party for damages resulting from the policy violation.

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

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

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

## **VI. Appeals**

Both the Complainant and the Respondent may appeal the outcome or the sanction within ten (10) calendar days of receiving written notice of the outcome and sanction. The appeal shall consist of a plain, concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Each party will be notified if the other party files an appeal, and will be provided the opportunity to respond in writing.

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

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

- a) ***Severity of the sanction imposed:*** To determine whether the sanction(s) imposed was appropriate for the violation of OED-3 of which the employee was found in violation.
- b) ***Improper procedure:*** To determine whether the original adjudication process was conducted fairly in light of the allegations and information presented, and in conformity with prescribed procedures.
- c) ***New information that has become available that was not reasonably available during the investigation.*** To consider new information sufficient to alter a decision or other relevant facts not brought out in the original adjudication process, because such information and/or facts were not known or reasonably available at the time of the original hearing to the person appealing.

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

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