



Appendix A - Procedures for Resolving Reports Against Students

I. Overview of Procedural Options (Students)

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 Office for Institutional Equity and Inclusive Culture (EIC), 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.

Upon receipt of a report, the University will conduct an initial assessment, described in this Policy as an EIC Inquiry. The EIC 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, any other individual, or the community.

Following the EIC Inquiry, the University may, at the discretion of the Equal Opportunity and Title IX Coordinator: 1) seek a voluntary and informal resolution that does not involve disciplinary action against a Respondent; or, 2) initiate an EIC 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 (Students)

EIC encourages, where appropriate, the use of voluntary and informal resolution to address allegations of harassment and bias incidents and to ensure an inclusive

educational, living, and work environment for all members of our University community. Where the EIC Inquiry concludes that an alternative to an EIC investigation may be appropriate, the University will offer mediation, but will not compel a Complainant or a Respondent to engage in mediation or to participate in any particular form of resolution. Mediation will not be offered or used in cases involving violence. Participation in informal resolution is voluntary, and a Complainant or a Respondent can request to end the informal resolution process at any time.

At all times, 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 EIC-1. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the Equal Opportunity and Title IX Coordinator or their designee or other University Administrator. Depending on the form of voluntary and informal resolution used, it may be possible for a Complainant to maintain anonymity.

The Office for Institutional Equity and Inclusive Culture will maintain records of all reports and conduct resolved through voluntary and informal resolution, which will typically be completed within sixty (60) business days of the initial report.

III. Discrimination, Harassment, and Bias Incident Investigation (Students)

As described in this Policy, the University, through the EIC, 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 Discrimination, Harassment, and Bias Incidents. 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 be notification of both Complainant and Respondent that an investigation is being initiated, followed usually by a preliminary formal interview of the Complainant by a member of the EIC investigative team, or an investigator designated by the Equal Opportunity and Title IX Coordinator. 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, Discrimination, Harassment, and Bias Incidents 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. Personal information from those that know the Respondent may be considered, so long as it is relevant to the case and based on first-hand observation.

Complainants are encouraged, but never pressured, to participate in the University's investigation and adjudication 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 this Policy at page 19, 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 review of the draft investigative report, a party will have five (5) business days, absent extenuating circumstances, to submit additional questions for witnesses or parties, submit additional information not previously available to the providing party or clarification or rebuttal of information in the investigative report to the investigator for consideration.

After incorporating any comments by the parties, and additional information the investigator, in consultation with the Equal Opportunity and 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 EIC-1 or any other University policy had occurred.

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

IV. Administrative Review of Determination that the Policy Elements Have Not Been Raised (Students)

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 Equal Opportunity and Title IX Coordinator within five (5) business days within receipt of the determination. Administrative Review will be conducted by an impartial decision-maker

selected by the Equal Opportunity and 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 Student Conduct for further action. The Reviewer will render a decision in writing to both the Complainant and Respondent within thirty (30) business 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 (Students)

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 Equal Opportunity and 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 EIC-1 has been violated is preponderance of the evidence.

A. Acceptance of Responsibility

After receiving the formal charge(s) from Student Conduct, 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 Student Conduct; a Complainant may submit an impact statement, and a Respondent may submit a mitigation statement.

Student Conduct, in consultation with the Equal Opportunity and 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 Student Conduct will be final.

B. Choice of Adjudicator

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

At the discretion of the Equal Opportunity and 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 Equal Opportunity and 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 Discrimination, Harassment, and Bias Incidents, and the University's policies and procedures. The external Adjudicator is supported by the Equal Opportunity and Title IX Coordinator (or designee) and Executive Director of Residential Living and Student Conduct, 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 Executive Director of Residential Living and Student Conduct 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) business 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 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. The external Adjudicator/conduct board will consider the following factors when assessing the credibility of parties and the witnesses: consistency or inconsistency of accounts of events over time; demeanor during the hearing, motive to lie; corroborating evidence; and reasonable and logical statements and details. 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 Discrimination, Harassment, and Bias Incident Prevention Policy (EIC-1), 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 Executive Director of Residential Living and Student Conduct, in consultation with the Equal Opportunity and Title IX Coordinator and external Adjudicator, will determine the appropriate sanction.
- The Conduct Board will recommend a sanction to the Executive Director of Residential Living and Student Conduct and the Assistant Dean, in consultation with the Equal Opportunity and 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) business 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 Discrimination, Harassment, and Bias Incident Prevention Policy (Students)

The University considers the sanctions listed below to be guidelines when adjudicating Discrimination, Harassment, and Bias Incident Prevention 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 degree of violence of the conduct at issue;
- the impact of the conduct on the Complainant or other appropriate parties;
- whether a power differential existed between the Complainant and the Respondent;
- the impact or implications of 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, University-related student employment, and study abroad). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other University policy violations may result in further disciplinary action.

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

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

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

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

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

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

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

VII. Appeals (Students)

Both the Complainant and the Respondent may appeal the outcome or the sanction within ten business days of receiving written notice of the outcome and sanction. The appeal shall consist of a plain, concise 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, will be given an opportunity to review the appeal and supporting documentation, and may submit a written response to the appeal within five (5) business days.

At the discretion of the Equal Opportunity and Title IX Coordinator, an appeal may be assigned to either an Appellate External Adjudicator or Student Conduct Appeal Board. The Appellate External Adjudicator and Student Conduct 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:

1. ***Severity of the sanction imposed***: To determine whether the sanction(s) imposed was appropriate for the violation of EIC-1 of which the student was found in violation.
2. ***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.

3. ***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 a 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 to potentially make changes to the finding when at least one of the three specified grounds for appeal is established or there is a clear error or an abuse of discretion.

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