

DISCRIMINATION, HARASSMENT, AND BIAS INCIDENT PREVENTION POLICY

POLICY NUMBER: OED-1

APPLICABILITY: All members of the University Community

EFFECTIVE DATE: July 2002

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

Table of Contents

I. SUMMARY OF POLICY 1

II. PURPOSE 2

III. SCOPE OF POLICY 3

IV. NOTICE OF NON-DISCRIMINATION 3

V. STATEMENT OF PRIVACY 3

**VI. EXPRESSION, SPEECH, AND ACADEMIC FREEDOM IN AN
INCLUSIVE AND RESPECTFUL UNIVERSITY COMMUNITY 5**

IX. DEFINITIONS AND EXAMPLES 7

 Bias Incident: 7

 Examples of Bias Incidents 8

 Discrimination: 8

 Harassment: 8

 Forms of Harassment 9

 Preponderance of the Evidence: 10

 Retaliation: 10

X. STATEMENT ON VIOLENCE AND SELF-DEFENSE 11

XI. ROLE OF THE OFFICE OF EQUALITY AND DIVERSITY 11

XII. CAMPUS RESOURCES AND SUPPORT 11

Campus Resources	12
XIII. REPORTING DISCRIMINATION, HARASSMENT, AND BIAS INCIDENTS	14
Emergency/Immediate Reporting Options.....	15
Centralized University Reporting Options:.....	15
Mandatory Reporting	15
Anonymous Reporting	16
Bias Incident Response Team	16
Choosing Whether and Where to Report:	16
Time frame for Reporting a Complaint.....	17
Bystander Intervention	17
Statement Against Retaliation.....	17
Statement Against Malicious Accusations.....	17
XIV. INTERIM MEASURES.....	18
XV. REVIEW, INVESTIGATION AND RESOLUTION OF COMPLAINTS.....	18
OED Inquiry.....	18
Investigation.....	19
Resolution	21
Time Frame for Resolution	21
XVI. SANCTIONS	22
XVII. EDUCATIONAL PROGRAMS	22
<i>Appendix A</i>	<i>i</i>
I. Overview of Procedural Options (Students)	i
II. Voluntary and Informal Resolution (Students).....	i
III. Discrimination, Harassment and Bias Incident Investigation	

	(Students)	ii
IV.	Administrative Review of Determination that the Policy Elements Have Not Been Raised (Students).....	iii
V.	Adjudication and Disciplinary Action (Students)	iv
	A. Acceptance of Responsibility	iv
	B. Choice of Adjudicator	v
	C. Hearing Procedures	v
VI.	Sanction Guidelines for Violating the Discrimination, Harassment, and Bias Incident Prevention Policy (Students)	vii
VII.	Appeals (Students)	viii
	Appendix B	x
I.	Overview of Procedural Options (Employees)	x
II.	Voluntary and Informal Resolution (Employees)	xi
III.	OED Investigation (Employees)	xi
IV.	Faculty-Student Bias Conduct Review Board (Employees)	xiii
VI.	Discipline Guidelines for Violations of the Discrimination, Harassment, and Bias Incident Prevention Policy (Employees)	xiv
VII.	Appeals (Employees)	xv

I. SUMMARY OF POLICY

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

Drexel University seeks to foster an inclusive and healthy educational and work environment based on trust and respect. The University prohibits harassment, discrimination, retaliation, and bias incidents in any form, including, but not limited to, those based upon race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, socioeconomic status, and/or any characteristic prohibited by law (*i.e.*, creed, marital status, citizenship status, etc). (collectively referred to as "Protected Category/ies"). *See* the Sexual and Gender-Based Harassment and Misconduct Policy (OED-3) for the University's policy and procedures regarding reporting, review, investigation, and resolution of all Title IX related discrimination concerns against students, professional staff, and faculty members.

Drexel University is committed to promoting tolerance in all forms, including tolerating the speech of those who disagree with the position of another individual, group or authority and expects such disagreement to be expressed in a manner that is respectful and tolerant. The University encourages any individual who believes they have been affected by Discrimination, Harassment, or a Bias Incident to immediately report the incident or incidents giving rise to such concerns to the Office of Equality and Diversity. **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 Discrimination, Harassment, or Bias Incidents based on a Protected Category (as described above) and will take all appropriate steps to end the Discrimination, Harassment or Bias Incident, prevent its recurrence and address its effects. The University provides support options and resources to students, faculty members, and professional staff to address concerns covered under this Policy.

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 if and when it is determined that a violation of this policy has occurred. At each of these stages, the University is committed to maintaining fairness for all

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

This policy is for the prevention and remediation of Discrimination, Harassment, and Bias Incidents and any claim against an individual has the potential to cause serious harm to that individual's status and/or reputation. It is therefore expected that all reports of such incidents will be as accurate as possible and made in good faith. Should it be determined that the Complainant acted out of malice or in bad faith, appropriate remedial actions will be taken.

The University adheres to all federal, state and local requirements for intervention, crime reporting, and privacy provisions related to Discrimination, Harassment and Bias Incidents.

II. PURPOSE

As noted, Drexel University seeks to foster an inclusive and healthy educational and employment environment built on mutual respect and trust. To further this mission, the University has adopted this Discrimination, Harassment, and Bias Incident Prevention Policy, which is intended to guide all Drexel community members.

This policy will:

- Define Discrimination, Harassment, and Bias Incidents that violate our community standards;
- Identify campus and community resources and support options available for all members of the Drexel community;
- Provide information about how to make a report to the University, to law enforcement, or to third parties affiliated with the University;
- Outline University procedures for the review, investigation and resolution of complaints against University students, professional staff and faculty members.

When used in this policy, "Complainant" refers to the person who reports to the University that he/she has been the subject of Discrimination, Harassment, and/or a Bias Incident; "Respondent" refers to the person(s) who is (are) alleged by the Complainant to have committed acts of Discrimination, Harassment and/or Bias; and "Third Party" refers to any other participant in the process, including a witness to the misconduct or an individual who makes a report on behalf of another.

III. SCOPE OF POLICY

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

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

IV. NOTICE OF NON-DISCRIMINATION

The University is committed to establishing and maintaining an environment free from all forms of Discrimination and Harassment for all University community members. The University does not discriminate on the basis of race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, and any other characteristic prohibited by law (*i.e.*, creed, marital status, citizenship status) in its educational, extracurricular, athletic, or other programs or in the context of employment. *See the [Sexual and Gender-Based Harassment and Misconduct Policy \(OED-3\)](#)* for the University's policy and procedures regarding reporting, review, investigation, and resolution of all sexual and gender-based discrimination or harassment concerns against students, professional staff, and faculty members.

V. STATEMENT OF PRIVACY

The University is committed to protecting the privacy interests of all individuals involved in a report of Discrimination or Harassment. In any report, investigation, or resolution of an allegation made under this Policy, every effort will be made to protect the privacy interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation and the protection of any individual or the broader campus community. Information related to a

report under this Policy will be shared only with those University employees who “need to know” in order to assist in the investigation and/or resolution of the complaint. At all times, the privacy of the parties will be respected and safeguarded. All University employees who are involved in the review, investigation or resolution of a report, including student employees and faculty members, have received specific training regarding the safeguarding of private information and will only share information with others on a need to know basis.

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

If a Complainant requests that 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 nevertheless continue to take appropriate steps to limit the effects of the alleged misconduct and to aid in the prevention of its recurrence.

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

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

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

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

The Associate of American Colleges and Universities states, "To develop their own critical judgment, students also need the freedom to express their ideas publicly as well as repeated opportunities to explore a wide range of insights and perspectives. The diversity of the educational community is an important resource to this process; research shows that students are more likely to develop cognitive complexity when they frequently interact with people, views, and experiences that are different from their own." (Association of American Colleges and Universities in *Academic Freedom and Educational Responsibility*, January 6, 2006, <https://www.aacu.org/about/statements/academic-freedom>.)

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

- Valuing the diversity of linguistic, cultural, racial, and ethnic backgrounds;
- Encouraging expression of all perspectives, including disagreement over ideas or beliefs, in a respectful and tolerant manner;
- Increasing the cultural competency of members of our University community by providing educational and experiential opportunities to engage across cultures and faiths;
- Providing opportunities for professional development so that University educators can stay abreast of best effective practices and pedagogical techniques for increasing participatory culture in the classroom and addressing complex subjects thoughtfully;
- Communicating a clear message that Discrimination, Harassment, and Bias Incidents as defined in this Policy will not be tolerated on our campus;

- Encouraging all members of our community to report all incidents of Discrimination, Harassment, and Bias so that the University can address them before the situation escalates;
- Having an effective system in place for addressing reports of Discrimination, Harassment, and Bias Incidents when they do happen;
- Ensuring that this policy is known and understood by all members of our community — including those from diverse linguistic backgrounds (the University provides interpreters, as needed.)

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

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

VII. INFORMAL RESOLUTION OF CONCERNS BETWEEN STUDENTS AND FACULTY

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

VIII. INFORMAL MEANS OF CONFLICT RESOLUTION

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

Many incidents can be resolved through thoughtful dialogue, and many incidents can be prevented by greater dedication to open communication and the exercise of emotional intelligence and social responsibility. Belonging to any community requires maintaining awareness of our own behavior and holding ourselves accountable for how it affects others. All members of our community are encouraged to ask questions to understand the perspective of

another person rather than making assumptions. Everyone is urged to listen generously, to refrain from using a tone that is accusatory or defensive, and to avoid denying others' feelings or rejecting their lived experiences as invalid. Drexel's mission is to "advance knowledge and society," and the true hallmark of a curious mind is openness to growth and change, not dismissiveness or hostility to differing perspectives that are expressed respectfully.

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

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

Should these informal methods fail to resolve the matter satisfactorily, and the behavior complained of invokes this policy, a formal complaint may be filed with OED.

IX. DEFINITIONS AND EXAMPLES

The University prohibits Discrimination, Harassment, and Bias Incidents.

Bias Incident:

Bias incidents include conduct or behavior (verbal, nonverbal, or written) that is threatening, harassing, bullying, discriminatory, and is based on a person's identity or affiliation such as race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, or any other characteristics prohibited by law (*i.e.*, creed, marital status, citizenship status, etc.) *See* the Sexual and Gender-Based Harassment and Misconduct Policy (OED-3) for the University's policy and procedures regarding reporting, review, investigation, and resolution of all Title IX related discrimination concerns against students, professional staff, and faculty members.

The University is committed to the free expression of ideas and recognizes that mere disagreement with an individual concerning an idea, concept or interpretation of an event, circumstance or other factor does not, in and of itself, constitute bias under this Policy or indicate that a Bias Incident has taken place. A person can be passionate about his or her position or idea without exhibiting bias as defined in this policy so long as the individual remains respectful and tolerant of those who hold a different view and/or position.

All bias incidents will be evaluated under this Policy to determine whether they constitute discrimination and/or harassment.

In addition, by its very nature, bias will be deemed an aggravating circumstance to any violation of University policies, including the Student Code of Conduct, regardless of the category. In those circumstances, bias-related violations may result in a more serious action up to, and including, permanent separation from the University.

Examples of Bias Incidents: Examples of Bias Incidents may include defacement of posters or signs, intimidating, or harassing comments or messages, vandalism to personal or university property, or similar acts, if there is evidence that the target or victim was chosen because of a factor such as race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, socioeconomic status and/or any characteristics prohibited by law (*i.e.*, creed, marital status, citizenship status, etc.) . See the Sexual and Gender-Based Harassment and Misconduct Policy (OED-3) for the University’s policy and procedures regarding reporting, review, investigation, and resolution of all Title IX related discrimination concerns against students, professional staff, and faculty members.

The University values freedom of expression and the open exchange of ideas. In particular, the expression of controversial ideas and differing views is a vital part of University discourse and intellectual development. It is not the purpose of this policy to suppress controversial opinions or points of view or promote/support such suppression by Drexel employees or students. However, while this value of openness protects the expression and discussion of controversial ideas, it explicitly does not protect harassment or expressions of bias or hate aimed at individuals or groups.

Discrimination:

Discrimination, under this Policy, is conduct that is based upon factors such as race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, or any other characteristics prohibited by law (*i.e.*, creed, marital status, citizenship status, etc.) and that:

- a. adversely affects a term or condition of an individual’s employment, education, living environment or participation in a University activity; or
- b. is used as the basis for or a factor in decisions affecting that individual’s employment, education, living environment or participation in a University activity.

Harassment:

Harassment is unwelcome verbal, written, electronic, or physical conduct when that conduct is:

- (1) based on a Protected Category as defined in this document; and
- (2) 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 offensive working, academic or social environment. The effect will be evaluated based on the perspective of a reasonable person in the position of the Complainant.

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

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

Harassment can take many forms:

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

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

Unwanted or inappropriate innuendo, or suggestive comments, humor and jokes, racial slurs or derogatory language directed at another person's race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, socioeconomic status and/or any characteristic prohibited by law (*i.e.*, creed, marital status, citizenship status); insults and threats based on a Protected Category and other verbal, written or electronic communications of a discriminatory nature that an individual communicates is unwanted and unwelcome; *See* the Sexual and Gender-Based Harassment and Misconduct Policy (OED-3) for the University's policy and procedures regarding reporting, review, investigation, and resolution of all Title IX related discrimination concerns against students, professional staff, and faculty members.

- Non-academic display or circulation of written materials or pictures degrading to an individual(s) or group's Protected Category. (Instructors should be aware that students come from a variety of backgrounds and perspectives and therefore should make a

reasonable effort to provide appropriate warnings and accommodations regarding the use of explicit and/or triggering materials in their classes.)

- Making educational or employment decisions based upon stereotypes about individuals based upon race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, socioeconomic status and/or any characteristic prohibited by law (e.g., creed, marital status, citizenship status) (For example, no one should be assumed to be able or required to act as a representative for their culture or faith).
- Abusive, disruptive or harassing behavior (verbal or physical), which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on a Protected Category and/or in the context of a hate crime; and,
- Engaging in derogatory verbal and other expressive behavior of a racial, cultural or religious nature in instructional settings.

Hate Crime:

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

Preponderance of the Evidence:

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

Retaliation:

Retaliation is defined as 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 Discrimination, Harassment or Bias Incident. 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 on page 15 of this Policy.

X. STATEMENT ON VIOLENCE AND SELF-DEFENSE

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

XI. ROLE OF THE OFFICE OF EQUALITY AND DIVERSITY

The Office of Equality and Diversity oversees the University's centralized review, investigation and resolution processes for reports of Discrimination, Harassment, and/or Bias Incidents based upon a Protected Category. The members of OED are knowledgeable and trained in the dynamics of Discrimination, Harassment, and Bias Incidents, including applicable local, state and federal laws, and in University policies and practices. *See* the University's OED website at <http://www.drexel.edu/oed>

The duties and responsibilities of OED include:

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

XII. CAMPUS RESOURCES AND SUPPORT

The University is committed to treating all individuals with dignity, care and respect. A Complainant, Respondent, or any other individual impacted by a report of Discrimination, Harassment or Bias Incident will have equal access to support, resources and counseling services through the University. The University recognizes that any individual involved in an incident covered under this Policy may have questions and we encourage Drexel community members to seek the support of campus and community resources. The Office of Equality and Diversity can provide guidance in making decisions, obtaining information about available resources, and

assisting any party in the event that an official report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

All Drexel community members can expect:

- The opportunity to meet with a member of the OED team to answer questions regarding the University's complaint processes for Discrimination, Harassment and Bias Incident concerns;
- Notice of confidential and non-confidential but private resources, including medical treatment and mental health counseling services, both on campus and in the community;
- Notice of the option to pursue law enforcement action and to be assisted by the Drexel University Police Department in making a report, if the incident is one that involves a crime (*i.e.* ethnic intimidation or a hate crime);
- That the University take appropriate steps to protect individual safety and well-being and to maintain a campus environment free from Discrimination, Harassment, and Bias Incidents;
- The right to be free from retaliation; and
- The right to be free from malicious, false allegations.

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

CONFIDENTIAL STUDENT RESOURCES

The Counseling Center

Creese Student Center, Suite 201

(215) 895-1415

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

Drexel University Chaplains affiliated with Spiritual and Religious Life

James E. Marks Intercultural Center,

3225 Arch Street,

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.

CONFIDENTIAL EMPLOYEE RESOURCES

Employee Assistance Program

Employees may also receive confidential counseling services through the Employee Assistance Program. The Employee Assistance Program is handled through 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](http://members.healthadvocate.com/Secure/Default.aspx) 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/>

NON-CONFIDENTIAL STUDENT RESOURCES

Student Center for Diversity and Inclusion

Black Student Resource Space, Gender and Sexuality Resource Space, Latinx Community Resource Space, Womens' Resource Space, and Students in Recovery

Creese Student Center, Lower Level

3210 Chestnut Street

Philadelphia, PA 19104

Phone: 215.895.2662

Fax: 215.895.2500

Email: Inclusion@drexel.edu

International Students and Scholars Services

Creese Student Center, Suite 215

3210 Chestnut Street

Philadelphia, PA 19104

iss@drexel.edu

http://drexel.edu/studentlife/get_involved/international_students_scholars/About/

Student Cultural Organizations

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

NON-CONFIDENTIAL EMPLOYEE RESOURCES

Human Resources

University City Campus:

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

Center City Campus:

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

Academy of Natural Sciences of Drexel University:

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

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

Office of Faculty Affairs

3141 Chestnut Street

Philadelphia, PA 19104

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

215-895-2141

Colleague Resource Groups

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

See the University's OED page at <http://www.drexel.edu/oed>

XIII. REPORTING DISCRIMINATION, HARASSMENT, AND BIAS INCIDENTS

Emergency/Immediate Reporting Options:

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

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

Office of Equality & Diversity, James E. Marks Intercultural Center,
3225 Arch Street | 215-895-1403

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

The University encourages all individuals, whether as a Complainant or a third party, to report incidents of Discrimination, Harassment, and Bias Incident impacting or involving a member of the Drexel community to the Office of Equality and Diversity.

Mandatory Reporting: 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 to the Office of Equality and Diversity any and all incidents they have reason to believe constitute discrimination and harassment under this Policy, regardless of whether or not the individual witnessed the incident themselves or learned of it through the Complainant or a third party. These individuals must make it clear to the Complainant that any allegation must be forwarded to the appropriate University officials and that no allegation can remain confidential once discussed with an officer, dean, department head, faculty member, academic advisor, director and/or supervisor, any professional staff, student employee or volunteer who is responsible for student welfare.

OED will treat all reports it receives with the utmost care and any information received by OED in connection with a report or subsequent complaint investigation will be private and will only be used to implement this Policy and will only be shared with individuals who are responsible for implementation of process under this Policy. A complainant will retain the right to autonomy consistent with Section XV of this Policy.

Anonymous Reporting: Any individual may make an anonymous report concerning an act of Discrimination, Harassment, and/or a Bias Incident. 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. 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 Office of Equality and Diversity.

If the Respondent is a member of the OED staff itself, the report will be handled by the Office of General Counsel and the complaint will be investigated by an investigator external to the University.

Bias Incident Response Team: The Vice President of the Office of Equality and Diversity, working with the Bias Incident Response Team, will ensure that the University responds to all reports of bias- or hate-motivated incidents in a timely, effective and consistent manner. The Bias Incident Response Team will always include representatives of the Office of Equality and Diversity, Student Life, and the Department of Public Safety. Depending on the nature of the report, it will also include Human Resources, the Office of the Provost, University Communications, a faculty representative, and other relevant University resources as applicable. The Bias Incident Response Team will consult with campus and community resources for guidance, including, but not limited to, Faculty Senate, Student Counseling and Health, Student Center for Inclusion and Culture, the University's Colleague Resource Groups, the Anti - Defamation League, the NAACP, and the Women's Law Project. The Office of Equality and Diversity 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 and well-being. When criminal charges are under consideration, OED will communicate and work collaboratively with the Drexel University Police Department.

Choosing Whether and Where to Report: The University recognizes that an individual's decision whether or not to report Discrimination, Harassment, or a Bias Incident is personal, and that there is no one "right" way to respond. Not every individual will be prepared to make a report to the University or to law enforcement, and individuals are not expected or required to pursue a specific course of action. Moreover, an individual does not have to decide whether or not to request a specific course of action at the time the report is made. The University recognizes that choosing to make a report, and deciding how to proceed after making the report,

can be a process that unfolds over time. At all times, the University will seek to respect an individual's autonomy in making these important decisions.

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

Time frame for Reporting a Complaint:

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

In all cases, however, the University will conduct a preliminary review, offer appropriate accommodations to a Complainant, and take appropriate action to eliminate any hostile environment.

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

Statement Against Retaliation: It is a violation of University policy to retaliate in any way against an individual or a group because the individual or group reported an allegation or participated in an investigation or resolution of a complaint of Discrimination, Harassment and/or Bias Incident. 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.

Statement Against Malicious Accusations: It is a violation of this Policy as well as other applicable University policies to allege, report and/or pursue false or inaccurate reports of

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

XIV. INTERIM MEASURES

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

XV. REVIEW, INVESTIGATION AND RESOLUTION OF COMPLAINTS

The University will review and respond to all reports of Discrimination, Harassment, and Bias Incidents. The Office of Equality and Diversity will oversee the University's investigation and resolution.

OED Inquiry: In every report of Discrimination, Harassment, and/or a Bias Incident, 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 University is dedicated to assisting individuals who are victims of Discrimination, Harassment, and/or Bias Incidents. 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. When a request for confidentiality can be maintained, OED will inform Respondents when complaints have been made against them whenever it is reasonable and possible. Respondents will be informed of a potential complaint against them when the reported conduct rises to a level of concern that warrants investigation beyond matters of University records or conversations with potential complainants and/or warrants interim measures affecting the Respondent. In a situation, however, where informing a Respondent could result in confidentiality being breached

or in potentially elevating the conflict, OED will refrain from informing the Respondent during the Inquiry Phase.

Until a full investigation has been concluded, no disciplinary action of any kind will be taken against the Respondent. Thus, no disciplinary action will be taken against a Respondent unless the Respondent has a full and fair opportunity to respond to the allegations.

If a Complainant chooses not to participate in a full investigation and/or adjudicatory process, an OED 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 bias, harassment, or discrimination; prevent its recurrence; and address its effects.

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

As noted above, where the University has received a report of Discrimination, Harassment or Bias Incident, 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 OED inquiry and any action taken by the University. In cases where the Respondent has been notified of the complaint, the Respondent will also be notified in writing of the outcome.

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

OED will inform Complainants and Respondents in writing if it determines, based upon its preliminary inquiry, that a formal investigation of the complaint is warranted to determine whether there has been a violation of this Policy.

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 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. As noted above, both Complainant and Respondent parties will be notified immediately on the decision that a formal investigation is to be initiated. The Complainant(s) and the Respondent(s) are each entitled to an advisor of their choice who can be present with them throughout the entire investigative process. The advisor may not be a party or witness involved in the investigation, nor may the advisor speak on behalf of a party or otherwise directly participate in the hearing or investigative meetings. The Complainant or Respondent may confer with an advisor within reason during such meetings or at the hearing. The interaction of a Complainant or Respondent with their advisor, however, may not inhibit the truth-seeking function of the meeting or proceeding.

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 and the Respondent by a member of the OED investigative team. Both the Complainant and the Respondent will be asked to provide relevant documentary evidence (e.g. photographs, text messages, emails, phone records, receipts, etc.) and the names of any and all relevant witnesses with information about the alleged violation. The investigator will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. Throughout the investigation, and until the final report is prepared, both the Complainant and the Respondent have the opportunity to submit questions to the investigator to be asked of each other and any witness involved in the investigation.

The investigator, in consultation with the Vice President of Equality and Diversity, has discretion to determine the relevancy of any witness, evidence, or proposed question and may exclude irrelevant, immaterial or unduly prejudicial information in preparing the investigation.

To assist in determining whether a pattern or practice has been established as to a particular fact, the investigator may consider prior findings of responsibility for bias, harassment or discrimination or prior allegations that were verified by a first-hand source. Personal information from those that know the Complainant or the Respondent may be considered, so long as it is relevant to the case and based on first-hand observation.

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. The standard for evaluating whether this Policy has been violated is a “Preponderance of the Evidence.” (See Definition for “Preponderance of the Evidence”). Based on the results of the review or investigation, the University will take appropriate measures designed to end the Discrimination, Harassment and/or Bias Incident(s), prevent its recurrence and address its effects. Upon the conclusion of an investigation, both parties will be advised in writing of the

investigator's determination. Also, depending on whether a student, faculty member, or professional staff member is involved, the investigator's determination will be forwarded to Student Conduct, the Office of the Provost, or Human Resources.

In addition, if the complaint involves an allegation that a bias or harassment incident(s) in an academic setting created a hostile educational environment in violation of this Policy, then either party to the complaint may request review by the Faculty-Student Bias Conduct Review Board. *See* Faculty-Student Bias Conduct Review Board, as described in Appendix B.

Should the investigation conclude that the Complainant acted in a malicious manner as described in Section XIII, the matter will be referred to Student Conduct, the Office of the Provost, or Human Resources as appropriate for further action. Any complaint that has been proven to be malicious will be so noted in the complaint report logs and investigation report.

Resolution: The Office of Equality and Diversity oversees the resolution of reported Discrimination, Harassment, and/or Bias Incidents through the University'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 part of the process is guided by the same principles of fairness and respect for all parties. Before a formal investigation is conducted, all parties will have notice of the allegations. Before any disciplinary action is taken the Respondent(s) will have the opportunity to respond, and participate in the process. 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.

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

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

XVI. SANCTIONS

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

There may be instances when the University concludes that a violation of OED-1 has not occurred, or that the evidence does not support a definitive conclusion with regard to an OED-1 violation, but that the conduct uncovered through the investigation invokes other University policies. In such cases, the Office of Equality and Diversity will refer the matter to the appropriate University office to determine next steps.

XVII. EDUCATIONAL PROGRAMS

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

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 of Equality and Diversity (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.

Upon receipt of a report, the University will conduct an initial assessment, described in this Policy as an OED Inquiry (see page 18). The OED 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 OED Inquiry, the University may, at the discretion of the Vice President for Equality and Diversity: 1) seek a voluntary and informal resolution that does not involve disciplinary action against a Respondent; or, 2) initiate an OED 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)

OED 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 OED Inquiry concludes that an alternative to an OED 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. For more information about the Office of Equality and Diversity's mediation program, please visit <http://drexel.edu/diversity/services/mediation/>.

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 OED-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 Vice President for Equality and Diversity or her/his 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 of Equality and Diversity 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 OED, 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 OED investigative team, or an investigator designated by the Vice President of OED. 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 Vice President for Equality and Diversity, 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-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 Vice President for Equality and Diversity 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 Vice President for

Equality and Diversity within five (5) business days within receipt of the determination. Administrative Review will be conducted by an impartial decision-maker selected by the Vice President for Equality and Diversity (“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 Vice President for Equality and Diversity 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-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 Vice President for Equality and Diversity, 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 Vice President for the Office of Equality and Diversity and Student Conduct shall designate Conduct Board members who are trained, neutral, impartial, and free from conflict.

At the discretion of the Vice President for the Office of Equality and Diversity, 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 Vice President for Equality and Diversity 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 Vice President for Equality and Diversity (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 (OED-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 Vice President for Equality and Diversity 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 Vice President for Equality and Diversity, 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 (10) 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 Vice President for Equality and Diversity, 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:

- a) ***Severity of the sanction imposed:*** To determine whether the sanction(s) imposed was appropriate for the violation of OED-1 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 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 Vice President for Equality and Diversity, make a determination on the case, within ten (10) business 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 (Employees)

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 of Discrimination, Harassment and Bias Incidents are referred to the Office of Equality and Diversity (OED), who will ensure consistent application of the policy to all individuals and allow the University to respond promptly and equitably to eliminate or end 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 OED Inquiry. The OED 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.

If the complaint involves an allegation that a bias or harassment incident(s) in an academic setting created a hostile educational environment in violation of this Policy either party to the complaint may request review by the Faculty-Student Bias Conduct Review Board. *See* Faculty-Student Bias Conduct Review Board.

Following the [OED Inquiry](#), the University may, at the discretion of the Vice President for Equality and Diversity 1) seek a voluntary and informal resolution that does not involve disciplinary action against a Respondent, such as mediation or conflict coaching; or 2) initiate an OED 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 (Employees)

OED encourages, where appropriate, the use of voluntary and informal resolution to address allegations of harassment and bias incidents and to ensure an inclusive educational and work environment for all members of our University community. Where the OED Inquiry concludes that an alternative to an OED 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. For more information about the Office of Equality and Diversity's mediation program, please visit <http://drexel.edu/diversity/services/mediation/>.

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 this Policy. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the Vice President for Equality and Diversity or her/his 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 of Equality and Diversity 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. OED Investigation (Employees)

As described in this Policy, the University, through the Office of Equality and Diversity, 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 bias, harassment and discrimination. The investigation will attempt to be thorough, impartial and fair, and all individuals should 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 preliminary interviews of the Complainant and the Respondent by a member of the OED investigative team, or an investigator designated by the Vice President of OED. 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 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 Complainant or the Respondent may be considered, as 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 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 this Policy, there may be exceptional circumstances when the University decides to proceed with an investigation despite the request of a Complainant.

The investigator 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.

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 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, the investigator, in consultation with the Vice President for Equality and Diversity, 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 Vice President for Equality and Diversity to review the investigative report, the finding, and discuss next steps, including under certain circumstances a review and recommendation by the Faculty-Student Bias Conduct Review Board (addressed in Section V below).

IV. Faculty-Student Bias Conduct Review Board (Employees)

If the complaint involves an allegation that a bias or harassment incident(s) in an academic setting created a hostile educational environment in violation of this Policy then either party to the complaint may request review by a Faculty-Student Bias Conduct Review Board.

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

Once a request for review by the Bias Conduct Review Board is made to the Vice President for Equality and Diversity, the following steps will be taken:

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

- The panel’s recommendation will be considered by the Office of the Provost and the Vice President for Equality and Diversity.

V. Disciplinary Action (Employees)

If the determination has been made that a policy violation has occurred, the Vice President for Equality and Diversity, or his/her designee 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.

VI. Discipline Guidelines for Violations of the Discrimination, Harassment, and Bias Incident Prevention Policy (Employees)

The University considers the discipline listed below to be guidelines when addressing Discrimination, Harassment, and Bias Incident 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 degree of 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.

VII. Appeals (Employees)

Both the Complainant and the Respondent may appeal the outcome or the sanction. Complainant and the Respondent will have ten (10) business days to file a notice of appeal and will have fifteen (15) business days to submit the appropriate documentation. The appeal documentation shall consist of a plain, concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Each party will be notified if the other party files an appeal. The other party will be given an opportunity to review the appeal and supporting documentation and may submit a written response to the appeal within five (5) business days.

At the discretion of the Vice President for Equality and Diversity, 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-1 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.
- d) ***Inconsistency*** between the OED investigative determination and the recommendation of the Faculty-Student Bias Conduct Review Board.

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

The Appellate Authority shall, in consultation with the Vice President for Equality and Diversity and the Office of General Counsel, make a determination on the case, within ten (10) business days of receipt of the full appeal documentation. The decision of the Appellate Authority is final.