



College Hall | PHOTOGRAPH BY SCOTT SPITZER



Penn
UNIVERSITY of PENNSYLVANIA

The Office of the Associate Vice President for Equity and Title IX Officer

April 6, 2022

About this Office

The Office of the AVP for Equity and Title IX Officer is the central intake point for all reports and complaints under the University's Sexual Misconduct Policy.



3901 Walnut Street | GOOGLE MAPS

Sexual Misconduct Policy

(Effective August 14, 2020)

Sexual Harassment, Sexual Violence,
Relationship Violence and Stalking Policy

Consensual Romantic Relationships in the
Workplace and Educational Setting Policy

Policy Against Retaliation

Policy

Sexual Misconduct Policy

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Policy Against Retaliation

The Sexual Misconduct Policy includes the following conduct:

- Sexual Harassment
- Sexual Violence
- Relationship Violence
- Domestic Violence
- Stalking
- Retaliation

University policy defines “sexual harassment” as any unwanted conduct that is based on an individual’s sex, sexual orientation, gender identity, or gender expression and that:

- Conditions an educational or employment benefit on participation in unwelcome sexual conduct;
- A reasonable person would determine is so severe, pervasive, and/or objectively offensive that it effectively denies a person equal access to an educational or employment program or activity.

Sexual Violence

- **Sexual violence** includes a range of behaviors in which an act of a sexual nature is taken against another individual without that person's consent or when the individual is unable to consent.
- **Sexual assault** (including but not limited to rape) is defined as having committed any of the following acts:
 - Any physical sexual contact that involves the use or threat of force or violence or any other form of coercion or intimidation.
 - Any physical sexual contact with a person who is unable to consent due to incapacity or mental or physical impairment. "Incapacity" or "impairment" include but are not limited to being under the influence of alcohol or drugs or being too young to consent.
- **Rape** is defined as sexual assault involving an act of penetration and includes acquaintance rape (assailant and victim know each other).
- **Non-forcible sex acts** include unlawful sex acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent as defined by Pennsylvania law.

Relationship Violence and Stalking

- **Relationship violence**, also commonly known as dating violence, is defined as an act or a pattern of abuse committed by a person involved in a social, sexual or romantic relationship, past or present, with the victim. Relationship violence can encompass a broad range of behaviors that may include physical violence, sexual violence, emotional violence and economic violence.
- **Domestic violence** is defined as abuse committed against an adult who is a spouse or former spouse, cohabitant or someone with whom the abuser has a child, has an existing dating or engagement relationship or has had a former dating or engagement relationship.
- **Stalking** means engaging in a course of conduct directed at specific person(s) that would cause a reasonable person to fear for his or her safety, the safety of others, or to suffer substantial emotional distress.

- **Consent** is an affirmative decision to engage in mutually agreed upon sexual activity and is given by clear words or actions.
 - **Consent** to one form of sexual activity does not imply consent to other forms of sexual activity.
 - **Consent** may not be inferred from silence, passivity or lack of resistance alone.
 - An individual may be unable to give **consent** because they are a minor, have a disability, or are intoxicated to the point of incapacitation.

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Consensual Romantic and Sexual Relationships

- Sexual or romantic relationships with undergraduate students are prohibited for faculty and staff members.
- Sexual or romantic relationships between faculty and graduate or professional students are discouraged.
- Faculty, staff and others should not evaluate or supervise those with whom they have a familial, romantic or sexual relationship.

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Policy against Retaliation

- University policy expressly prohibits retaliation against faculty, staff or students who in good faith make a report of a violation of this policy, who cooperates in an investigation into such allegations, or who opposes any act of sexual misconduct.
- Members of the Penn community who take adverse action against, intimidate, threaten or otherwise engage in retaliation are subject to disciplinary action, up to and including expulsion and/or termination.



Confidential Resources

Penn offers multiple confidential resource offices where individuals can receive information, counseling, and support without making a report to the AVP for Equity and Title IX Officer:

- African-American Resource Center (AARC)
- Counseling & Psychological Services (CAPS)
- Lesbian Gay Bisexual Transgender (LGBT) Center
- Office of the Ombuds
- Employee Assistance Program (EAP)
- Office of the University Chaplain
- Penn Violence Prevention (PVP)
- Penn Women's Center (PWC)
- Special Services Department, Division of Public Safety
- Student Health Service (SHS)



Anonymous Reports

Anonymous reports of violations of the University's Sexual Misconduct Policy can be made through the University's 215-P-COMPLY line by dialing 215-P-COMPLY (215-726-6759) or by submitting a report via the 215-P-COMPLY web portal. (A link to the portal is available on the AVP and Title IX Office website at <https://titleixoffice.upenn.edu/reporting-sexual-misconduct>)

Penn's 215-P-COMPLY web portal uses the EthicsPoint system to protect the identity of the reporter.

Reporting Offices and Roles

The following offices should report to the AVP and Title IX Office any matter that could fall under the Sexual Misconduct Policy:

- Division of Human Resources (including HR staff in Schools and Divisions)
- Office of Affirmative Action and Equal Opportunity Programs (OAA/EOP)
- Division of Recreation and Intercollegiate Athletics (DRIA)

The following individuals should consult with the AVP and Title IX Office:

- Deans, Vice, Associate or Assistant Deans
- Department Chairs, Undergraduate and Graduate Chairs
- Vice Provosts' Offices
- Vice Presidents and Department Directors

Report

- Discussion about Supportive Measures
- Consultation regarding Options – including filing a complaint



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To be covered by the Policy, the alleged behavior must occur in a University of Pennsylvania “educational setting or workplace.”

- Study Abroad
- Penn owned or controlled properties
- Penn-sponsored events

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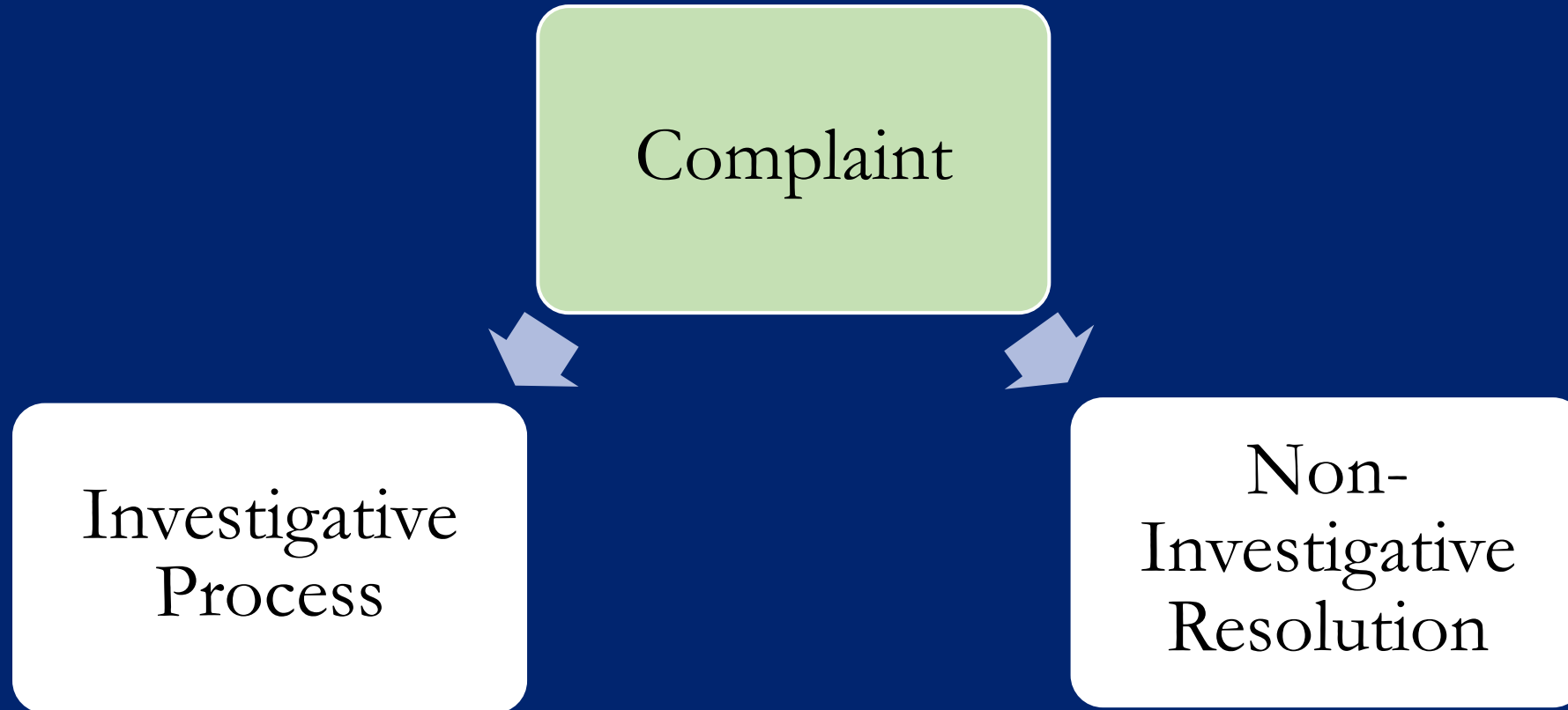
Preliminary Determination

Upon receipt of a complaint, the AVP makes a preliminary determination as to whether the alleged behavior if true would violate the University's Sexual Misconduct Policy.

If the AVP determines that there is a sufficient basis to proceed, a Statement of Charge Letter will be issued.

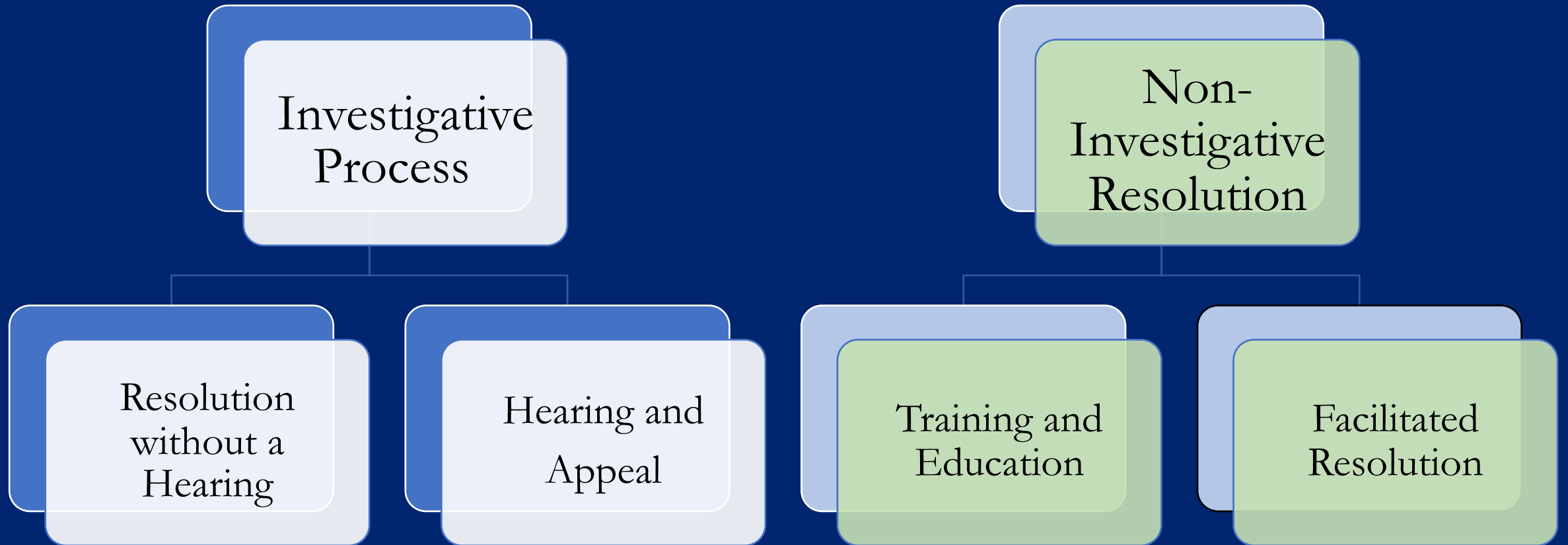
- Respondent and Complainant both receive a copy of the Charge Letter

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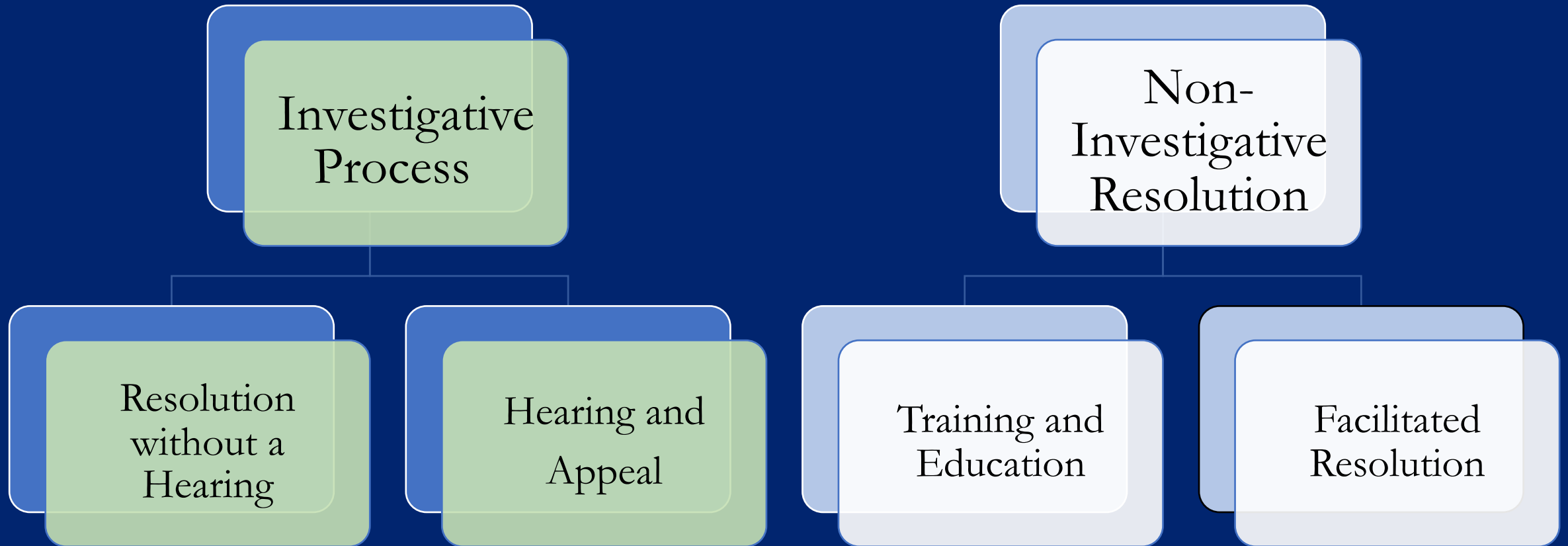


Mediation and Restorative Practices

- Agreement to Participate Form
- Referral by AVP-Title IX Office to Mediator(s) or Restorative Practice Practitioner(s) (RP@P)
- Parties can request an investigation of the Complaint at any time before a resolution agreement is signed and approved
- Resolution Agreement signed by both parties
- Approval of the Resolution Agreement by AVP-Title IX Office
- Closing Letter to Parties

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Complaint Investigation

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The standard of proof for all complaints under the Sexual Misconduct Policy is a preponderance of the evidence.

- More likely than not

Complaint Investigation

- Investigative Team
- Investigative Plan
- Evidence Gathering and Penn Box
- Interviews
- Interview Summaries
- Draft Report
- Comments to Draft Report
- Final Report
- Resolution without a hearing and Request for Hearing Panel
- Hearing Panel
- Appeal

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Questions?