Office of the AVP for Equity and Title IX Officer
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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.
The overarching goal of the University’s Sexual Misconduct Policy is to “create and sustain a campus climate in which members of the University community are able to thrive and achieve their full potential.”
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
Sexual Misconduct Policy

Disclosure → Report → Complaint
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)
- Employee Assistance Program (EAP)
- Lesbian Gay Bisexual Transgender (LGBT) Center
- Office of the Ombuds
- 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 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 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._
The following offices are required to report to the Office of the AVP for Equity 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)
- Deans, Vice, Associate or Assistant Deans of the 12 Schools
- Vice Provosts’ Offices
- Office of Affirmative Action and Equal Opportunity Programs (OAA/EOP)
- Division of Recreation and Intercollegiate Athletics (DRIA)
A party has a right to have an advisor of their choosing, including an attorney the party has retained.

The AVP/Title IX Office has a list of faculty members and staff who have received specialized training regarding the policies and procedures that apply to complaints alleging a violation of the University’s Sexual Misconduct Policy and this list is provided to all parties.
Sexual Harassment Policy
Effective August 14, 2020

Report to AVP/Title IX

Access to Supportive Measures, Consultation about Process and Filing A Formal Complaint
Sexual Harassment Policy
Effective August 14, 2020

Complaint

Investigative Process
- Resolution without a Hearing
- Hearing Panel

Non-Investigative Resolution
- Training and Education
- Facilitated Resolution
Informal/Non-Investigative Resolution

If both parties agree and the AVP deems it to be an appropriate instance for an informal resolution of a complaint, the AVP will meet with the parties individually, and others as appropriate, in an effort to resolve the complaint.
Sexual Misconduct Policy

Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy

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Policy Against Retaliation
The Sexual Harassment 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 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.
Generally, *complaints* of sexual harassment, sexual violence, relationship violence and stalking *must be made by members of the University community.*

Individuals who are not students, faculty, staff, postdoctoral or other trainees, alumni, or a participant in a Penn program or activity will be directed to other resources.
To fall under the Policy, the alleged behavior must occur in a University of Pennsylvania “educational setting or workplace.”

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

Upon receipt of a complaint, the AVP will make a preliminary determination as to whether the complaint falls within the purview of the Sexual Misconduct Policy.

If the AVP determines that there is a sufficient basis to proceed, the AVP will issue a Statement of Charge Letter, based upon the complaint and any preliminary investigation conducted.
Investigation

The Investigative Officer will lead the investigation, assisted by one or more co-investigators.

The investigation will include interviews of the Complainant, Respondent, and any relevant witnesses and the review of documentation, physical evidence, and any other relevant evidence.
Following an investigation, the co-investigators will prepare a draft investigative report.

The draft investigative report and related exhibits and evidence will be provided to both the complainant and respondent for review and comment, and can be shared with their families and advisors, if they are members of the University community and/or outside counsel.
Resolution Without a Hearing

Following the investigation, the matter may be resolved if both parties agree with the recommendation of the Investigative Team with regard to responsibility and, if applicable sanctions, or if the parties otherwise reach a mutually acceptable resolution.
Following the investigation, all parties to a sexual harassment complaint have a right to a hearing before a panel and a right to an appeal of the panel’s findings and any sanctions.
At the hearing, a party’s advisor will be able to direct questions to the other party and/or witnesses subject to determinations of relevance and other procedural issues by the Disciplinary Hearing Officer.

If an advisor’s behavior is disruptive, the hearing will be adjourned, and the advisor may be excluded from the hearing.
Appeals

The grounds for appeal include procedural irregularities, demonstrated bias or conflict of interest on the part of any fact-finder, and new evidence that would alter the outcome of the Hearing.

The request for an appeal will be shared with the other party who will have 10 days to respond. Any comments or response will be shared with the other party.

* The parties can also appeal the dismissal of the complaint following a preliminary determination that the matter does not fall under the Policy.
Sexual Misconduct Policy

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Consensual Romantic Relationships in the Workplace and Educational Setting Policy

Policy Against Retaliation
• 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.
Recusal and Notification Requirement

• If a prohibited relationship develops because of a change in employment or academic status, the person in the position of greater authority or power must do the following:

  (1) recuse themselves and

  (2) notify their supervisor, department chair, dean or manager so that the notified person can ensure adequate alternative supervisory or evaluative arrangements are put in place.

• Failure to timely disclose the relationship will itself be a violation of this policy.
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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.
What are we, as members of the Penn community, expected to do when we learn of an allegation of sexual harassment?
If someone discloses or you become aware of an issue, report what was disclosed to you to the AVP/Title IX Office to ensure that appropriate support and information is provided to the impacted party or parties.

If you are not someone who is required to report, provide to the person disclosing information about confidential resources and the AVP/Title IX Office, and we recommend that you document that you have done so.
The most potent predictor of sexual harassment is organizational climate - the degree to which those in the organization perceive that sexual harassment is or is not tolerated.

Sexual Harassment and the perception of Sexual Harassment can silence and limit the career opportunities for targets of harassment and the bystanders to such behavior.

Eliminating sexual harassment is everyone's responsibility.

A civil and respectful environment prevents sexual harassment from occurring and creates a healthier environment for all people - in all academic disciplines.
Questions?
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