



**HARASSMENT and DISCRIMINATION:**

**A GUIDE FOR  
FACULTY, STAFF AND STUDENTS  
AT  
DREXEL UNIVERSITY**

**A PUBLICATION OF THE OFFICE FOR EQUAL OPPORTUNITY PROGRAMS  
OFFICES OF EQUALITY AND DISABILITY  
DIVISION OF STUDENT LIFE AND ADMINISTRATIVE SERVICES  
OCTOBER 2006**



October 2006

To The University Community:

I am pleased to provide you with this copy of ***Harassment and Discrimination: A Guide for Faculty, Staff and Students at Drexel University***. The Guide was created by the Office of Equal Opportunity Programs, as part of our campus-wide discrimination awareness and prevention program.

I ask that you join with me in support of this effort to increase awareness of the issue of discrimination, including harassment in all its forms. Please help us work to ensure that Drexel University provides a respectful environment free from intimidating, offensive and hostile behavior.

Constantine Papadakis, Ph.D.  
President

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AT  
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Drexel University (the “University”) is committed to providing a working and learning environment for all employees, faculty and students that is free from discrimination and harassment on the basis of race; color; sex (except where sex is a bona fide occupational qualification); sexual orientation; gender identity; religion; creed; national or ethnic origin; citizenship status; age; disability (or association with an individual with a disability); and status as a special disabled, Vietnam era or other eligible veteran. This prohibition applies equally to all faculty, staff and students, to all other persons on the premises subject to University control and to those engaged to further the interests of the University.

All members of the University community, faculty, staff and students, are required to report promptly any and all conduct which might be in violation of this policy. The University strives to maintain an environment that supports and rewards individuals on the basis of such relevant factors as ability, merit and performance.

## DEFINITIONS

**Discrimination** is unfavorable or unfair treatment of a person or class of persons as compared to others not in the protected class because of a factor, such as, race, color, sex (except where sex is a bona fide occupational qualification), sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, veteran status or reprisal for opposition or complaints about discriminatory practices or participation in an investigation.

**Harassment** is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual on the basis of race, color, sex (except where sex is a bona fide occupational qualification), sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, or veteran status and that has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment; or has the purpose or effect of unreasonably interfering with an individual's employment or academic performance.

**Sexual Harassment** is a form of sex discrimination recognized under Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in the terms and conditions of employment and Title IX of the Education Amendments, which prohibits sex discrimination in educational programs and activities.

Sexual harassment involves unwelcome sexual advances, requests for sexual favors or verbal or physical conduct of a sexual nature. It is often imposed upon a person in an unequal power relationship through the abuse of authority. Central to this concept is the use of implied reward or threat of deprivation that interferes with the academic or work effectiveness of the victim.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical behavior of a sexual nature constitutes harassment when:

- Submission to, or rejection of, such conduct by an individual is made explicitly or implicitly a term or condition of an individual's employment or participation in academic activities;
- Submission to, or rejection of, such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating, hostile or offensive working or study environment.

Federal law recognizes two different sets of legal grounds for claiming **sexual harassment** under Title VII:

- In the **quid pro quo** (this for that) form of harassment, a person in authority, usually a supervisor or instructor, demands a sexual favor of a subordinate or a student as a condition of getting or keeping a job or getting a good grade in a course. In quid pro quo cases, the offense is directly linked to the individual's terms of employment or academic success, or forms the basis for employment or academic decisions affecting the individual.
- A **hostile work environment** occurs when a co-worker, supervisor, instructor, contractor, visitor, customer or vendor, engages in unwelcome and inappropriate sexually based behavior that is severe or pervasive enough to render the workplace or academic atmosphere intimidating, hostile or offensive. Usually a pattern of this sort of behavior is required, but one incident can be enough, if it is severe or outrageous.

Sexual harassment can be exhibited using three types of behaviors – **verbal, non-verbal behaviors and gestures**, and **physical contact**.

Examples of **verbal behavior** that might constitute sexual harassment are:

- Continuous idle chatter of a sexual nature and graphic sexual descriptions;
- Sexual slurs, sexual innuendoes, and other comments about a person's clothing and the way it fits, the person's body and/or about sexual activities;
- Offensive and persistent risqué jokes or jesting and kidding about sex or gender-specific traits;
- Suggestive or insulting sounds such as whistling, wolf calls, or kissing sounds;
- Comments of a sexual nature about weight, body shape, size or figure;
- Comments about the sensuality of a person, or his/her spouse or significant other;
- Distribution of written or graphic materials that are derogatory and are of a sexual nature;
- Repeated unsolicited propositions for dates and/or sexual relations; or
- Asking about sexual fantasies, preferences or history.

Examples of **gestures or non-verbal behaviors** that might be considered sexual harassment are:

- Sexual looks such as leering and ogling with suggestive overtones;
- Licking lips or teeth, winking, or throwing kisses;
- Holding or eating food provocatively;
- Lewd gestures, such as hand or sign language to denote sexual activity;
- Persistent and unwelcome flirting;
- Staring at an individual or looking a person up and down (elevator eyes);
- Giving personal gifts; or
- Displaying sexually suggestive pictures, calendars, posters, statues, etc.

Unwanted physical contact can range from offensive behavior to criminal acts. While some might dismiss some of these behaviors as an annoyance, others will consider them to be sexual harassment. It should be stressed that all of these behaviors are inappropriate in the workplace.

Examples of unwanted **physical contact** that might be considered sexual harassment are:

- Touching that is inappropriate in the workplace or classroom such as patting, pinching, stroking or brushing up against the body;
- Cornering or mauling;
- Invading another's "personal space";
- Attempted or actual kissing or fondling;
- Physical assault;
- Coerced sexual relations;
- Attempted rape or rape;

- Giving a massage around the neck or shoulders;
- Touching or rubbing oneself sexually around another person;
- Pranks such as exposing underwear or parts of the body; or
- Intentionally blocking someone's path.

It is also important to note that while some behaviors may be offensive, unprofessional, against Drexel University policy or inappropriate in the workplace, they may not necessarily be considered sexual harassment. For example, general use of profanity and vulgar language may not be sexual harassment unless it is sexually oriented or overused to the point that a hostile work environment is created.

In addition, sexual harassment is generally not the rare or singular occurrence of minor behaviors, such as a comment/innuendo, a joke or a story, asking for a date, or a compliment about appearance or attire. However, frequent occurrences of these types of minor behaviors may rise to the level of harassment if they happen often and if it is reasonable to assume that the behavior might be unwelcome, or if a single incident is particularly egregious.

### **HARASSMENT IS ABOUT POWER**

There is no typical harasser. A harasser can be male, female, young, old, and from any ethnic background. One thing that harassers generally have in common is that they have some sort of power over an individual or individuals, and they use that power in a negative way to help them feel "in control." Harassers generally look for "victims" who are weaker and less likely to have the ability or the inclination to fight back. This is generally because the victims fear retaliation in the form of loss of employment, economic loss, loss of benefits, loss of status, loss of promotional or advancement opportunities or, in some cases, fear of physical or emotional harm.

This type of behavior is generally seen in supervisor/subordinate relationships, but it can also happen within work groups or student groups as well, if a member (female, person of color, etc.) causes the harasser to believe that he/she could have a direct impact on his job or status within the group.

### **PERSONAL RELATIONSHIPS**

The exchanging of gifts, dating, living with and/or other actions suggestive of a romantic relationship between supervisor and subordinate, senior and junior faculty, or between faculty or other staff, and students, are not unlawful. However, such sexual or romantic relationships are potentially exploitive and should be avoided. Even when both parties have consented to the development of the relationship, serious concerns may be raised about the validity of the consent, conflict of interest, and/or unfair treatment of others. Acquiescence to requests for sexual favors – or even voluntary participation in sexual activities - does not necessarily mean that the favors or activity were welcomed.

The University's policy on Personal Relationships (Human Resources Policy No. 5, found at [http://www.drexel.edu/admin/hr\\_hs/policies/DU-HR5.htm](http://www.drexel.edu/admin/hr_hs/policies/DU-HR5.htm), specifically states that individuals are prohibited from evaluating the work performance of others with whom they have a familial relationship, or from making hiring, salary or similar financial decisions concerning such persons. The same principles apply to staff-student or faculty-student relationships in the context of work or academic evaluations. Thus, consensual romantic or sexual relationships between members of the faculty or staff, or between members of either group with a student, must be disclosed to the appropriate administrative supervisor so that arrangements can be made for objective evaluations and decision making.

In the event of a complaint of sexual harassment, when the facts establish that a faculty-student, staff-student, or supervisor-subordinate power differential existed within the relationship, a defense based upon consent or previous consent will generally be viewed unsympathetically by the University. If there is disagreement as to whether the behavior was affirmatively consensual between the involved individuals, the burden will be on the individual against whom the charge or complaint is made to prove mutual consent.

## **QUESTIONS AND ANSWERS ABOUT SEXUAL HARASSMENT**

### **Can I compliment one of my co-workers?**

Yes, as long as your compliments are free from sexual undertones. Compliments such as “Nice legs” or “You look really sexy in that outfit” can make your co-worker feel uncomfortable or threatened. Even if the person you’re complimenting isn’t bothered by the comments, others might be.

### **How about asking for a date? Do I always have to take “no” for an answer?**

You may want to get together socially with someone, from work or from school, that you find attractive. This is perfectly acceptable as long as you make sure that the desire and attraction are mutual. If you are turned down for a date, you might want to ask the person if a request would be welcome at another time. Be aware, though, that some people do not feel comfortable saying no to that type of question, for fear of offending, or provoking some type of retaliation. Use your judgment. If the person says no more than once, or is uncomfortable or evasive when you ask, do not use pressure; accept the answer and move on.

### **What’s wrong with having a screen saver on my computer with sexy pictures on it in my own office or work area?**

Sexually oriented objects and visuals, such as pinups, centerfolds from sex magazines, calendars or screen savers portray people as sexual objects in demeaning circumstances. They create an offensive, intimidating and hostile work or study environment and create the potential for a sexual harassment complaint, if a co-worker or visitor to your work area finds them offensive.

### **Aren’t people being too sensitive about this?**

You may think so, but each of us has a different perspective and different reactions to these types of behaviors. Even if the comment, gesture or behavior was not intended to be offensive, it may be perceived that way. If you are not sure how your humor or teasing is affecting someone – stop immediately.

### **Can I be accused of harassing someone if we are both the same gender?**

Yes. Sexual harassment can occur between the same gender and is not limited to opposite sexes.

## **DISCRIMINATION OR HARASSMENT COMPLAINT RESOLUTION PROCEDURE**

Prior to filing a formal complaint, it is encouraged that anyone who has been a victim of discrimination or harassment should attempt to confront the harasser immediately and tell him/her that you find that type of attention offensive and unwanted. If you feel uncomfortable confronting the harasser face-to-face, consider writing a letter to the harasser, making sure that you keep a copy for your records. If possible, tell the harasser that the behavior affects you negatively and has the potential of negatively affecting your work or classroom performance.

If you are unable to resolve the situation on your own, contact the Offices of Equality and Disability to file a formal complaint.

### **FILING A COMPLAINT**

Any University faculty, staff or student who believes that he or she has been a victim of discrimination or harassment in violation of this policy and who wishes to make a formal complaint, should bring the problem immediately to the attention of the Office of Equality and Disability.<sup>1</sup>

If the complaint is against a University student, the complainant must follow the procedures set forth in the Student Handbook. These procedures can be found in the Student Handbook. You can find the Student Handbook at <http://www.drexel.edu/studentlife/>.

A completed Complaint of Harassment or Discrimination Form (see page 10) must be submitted to the Offices for Equality and Disability. The purpose of this form is to assist the complainant in formulating charges and to assist the Office of Equality and Disability in identifying the basic facts of the allegation, along with the complainant's requested action. The complaint must be filed within ninety (90) days of the alleged violation. In unusual circumstances, the University shall have discretion to extend this deadline.

The Offices of Equality and Disability shall:

- (1) review the charges made in the complaint;
- (2) discuss the charges with the complainant;
- (3) notify the charged party of the complaint allegations and the identity of the complainant unless disclosure of the complainant's identity is deemed unnecessary to afford the charged party a fair opportunity to respond to the allegations;
- (4) investigate the charges as deemed appropriate, which may include interviewing witnesses and reviewing documentation
- (5) make final determination.

### **DETERMINATIONS AND SANCTIONS**

The outcome of an investigation may be a finding that the allegations are unwarranted or could not be substantiated; in which case, the materials from the investigation do not become part of the personnel file of the charged party. Other outcomes are a negotiated settlement or a finding that the allegations are substantiated. In the case of a finding, recommendations will be made to the appropriate University official regarding corrective or disciplinary action. Notice of findings and sanctions shall become part of the personnel file of the charged party.

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<sup>1</sup> If the complaint is against a member of the Offices of Equality and Disability, the complaint should be filed directly with the Senior Vice President for Student Life and Administrative Services.

Sanctions imposed on those individuals who have been found to be in violation of the University's discrimination/harassment policies shall be commensurate with the frequency and severity of the conduct and adequate and sufficient to demonstrate the University's commitment to taking strong and effective measures to both remedy and prevent the conduct. The sanctions may involve, among others, any of the following, singularly or in combination: a requirement not to repeat or continue the discriminatory, harassing conduct; an oral or written reprimand; denial of a merit pay increase; denial of promotion; mandatory training; and reassignment, suspension or separation from the University. Discipline will be enforced against any employee engaging in illegal discrimination/harassment and against any supervisory personnel who knowingly permit the activity or behavior to continue.

#### VOLUNTARY MEDIATION PROCESS PROCEDURE

The Offices of Equality and Disability will advise the complainant that voluntary mediation or conciliation of a complaint is available should the complainant so desire. If the complainant chooses to pursue this course, and the person charged with the complaint agrees, the Offices of Equality and Disability shall suspend the formal complaint procedure for up to 60 days (which can be extended with the written consent of all parties) to permit mediation to take place.

The Offices of Equality and Disability shall appoint a mediator. At any time, any of the parties to the complaint, or the person serving as mediator may terminate mediation efforts through notice to all parties. Upon receipt of such notification, the formal investigation shall resume.

If the complaint is successfully mediated, the mediator will prepare a Mediation Agreement, describing the terms agreed upon by both parties. The complainant and the charged party will be expected to read and sign the Mediation Agreement, which will state that both parties agree that the dispute is fully and finally resolved, subject to the parties' compliance with any stipulated commitments.

#### Mediation Record

The Offices of Equality and Disability will not forward any written record of the mediation process to a student's file or to an employee's official file. The Mediation Agreement may be used as evidence in subsequent investigations and hearings related to similar charges of discrimination or harassment filed against the charged party. The charged party will be informed of this fact before signing the Mediation Agreement.

#### Unsuccessful Mediation

If either party is dissatisfied with the outcome of the mediation process, or if either party decides to terminate the mediation process, the Offices of Equality and Disability will initiate a formal investigation of the original allegations. The investigation and mediation processes will be separate and distinct from one another. Statements made, or records submitted, in the mediation process, other than the original statement of complaint, will not be introduced into the investigation process.

#### Filing an Appeal

Either the complainant or the charged party may file an appeal of any determination concerning the resolution of the complaint. An appeal by either party must be made, in writing, to the Senior Vice President for Student Life and Administrative Services within 15 days of receipt of the notice of the resolution/disciplinary decision.

The written appeal must state, in detail, the reason(s) for the appeal and shall address the following:

- If the appeal alleges that the findings of the investigator included relevant factual errors or omitted relevant facts, the appeal shall specify each and every factual error and/or details of each and every relevant fact which was omitted from the investigation.
- If the appeal alleges substantive procedural errors, the person appealing shall identify each and every instance of said substantive procedural error.

No disciplinary or other action based upon the original complaint findings shall be taken against the alleged offender during the appeal process, although temporary, interim measures may remain in place.

#### Interim Actions during an Investigation

In some cases, the alleged conduct specified in a complaint may be such that to protect the complainant or other members of the University community, the University may, in its discretion, elect to place the charged party on administrative leave with pay. The University may implement a temporary reassignment of either the charged party or the complainant or both, depending on circumstances. This leave or reassignment will generally remain in effect for the duration of the complaint investigation process.

#### OTHER INTERNAL OR EXTERNAL RESOLUTION PROCEDURES:

An individual who believes that she/he has been subjected to unlawful discrimination or harassment has the right to file a complaint with an appropriate local, state or federal agency or a court with proper jurisdiction. In the event that a complaint is filed with an external agency or court, or pursued through a different University process (e.g. The Grievance/Complaint Resolution Policy, or the Ombudsperson) the University reserves the right to determine, in its discretion, whether the University's complaint resolution procedures described above should be 1) discontinued; 2) continued separately; or 3) in the case of a complaint under a different University process, consolidated with that complaint and resolved through one process.

#### INVESTIGATOR CONFLICT OF INTEREST

The complainant and/or the charged party might allege that the investigator has a substantial conflict of interest which might impair her/his ability to conduct a fair and impartial investigation of the allegations. In that event, details supporting the alleged conflict of interest must be submitted, in writing, to the Senior Vice President for Student Life and Administrative Services. These details must be submitted within five (5) business days of the date that the person alleging the conflict has notice of the investigator's identity. The Senior Vice President for Student Life and Administrative Services will determine whether a conflict may exist and, if so, an alternative investigator will be appointed as expeditiously as possible. In the event that a request is made and the alternate investigator must be appointed, any specific time line provided for in the complaint procedure shall be suspended pending the determination and/or appointment.

#### CONFIDENTIALITY

The University shall protect the confidentiality of the identities of, and statements made by, the parties and witnesses involved in a discrimination/harassment report or complaint to the extent permitted by law and the extent that continued protection does not interfere with the University's ability to investigate allegations of misconduct brought to its attention and to take corrective action. In addition, all who participate in any part of the investigation will be expected not to reveal any information, either shared or learned, during the course of these proceedings. Despite these measures, however, the University cannot and does not guarantee that parties and witnesses will remain confidential.

Confidentiality does not mean that the details of the complaint will be withheld from the charged party or that the University is constrained from divulging the proceedings in appropriate circumstances. For example, the University may publicly divulge details of the outcome if one of the parties discloses selective or self-serving portions of the proceedings, or when a lawsuit emerges where the complainant or charged party contests the findings or results of the University's investigation.

## NON-RETALIATION

Retaliation against an individual who, in good faith, reports, complains about or participates in an investigation of an allegation of discrimination/harassment is prohibited by University policy and by law.

## FALSE ACCUSATIONS

Anyone who knowingly makes a false accusation of discrimination/harassment will be subject to appropriate sanctions, which may include, but are not limited to, written warning, demotion, transfer, suspension, dismissal, expulsion, or termination.

## ANONYMOUS COMPLAINT

The University is not obligated to initiate an investigation or take any action against an individual as the result of an anonymous complaint. Anonymity may constrain the collection of specific information or other pertinent facts that may be necessary to make a determination of wrongdoing. For this reason, the University prohibits retaliation and encourages complainants' cooperation with investigations.

## CONTACTS FOR ASSISTANCE WITH HARASSMENT ISSUES

### DREXEL RESOURCES

#### **Offices of Equality & Disability/Equal Opportunity Programs**

3201 Arch Street – Suite 210

(215) 895-1401

TTY (215) 895-2299

<http://www.drexel.edu/oed/equalopportunity.html>(This site includes links to applicable federal laws and regulations.)

#### **University Counseling Center (Students Only)**

Creese Student Center, Room 201

32<sup>nd</sup> and Chestnut Streets

(215) 895-1415

#### **Drexel Public Safety**

118 North 34th Street

Emergencies – (215) 895-2222

Investigator (Victim Support) – (215) 895-1552

### EXTERNAL RESOURCES

#### **Pennsylvania Human Relations Commission (“PHRC”)**

711 State Office Building

Broad and Spring Garden Streets

Philadelphia, PA 19130-4088

(215) 560-2496

TT/TTY (215) 560-3599

#### **Equal Employment Opportunity Commission (“EEOC”)**

The Bourse, Suite 400

21 South 5<sup>th</sup> Street

Philadelphia, PA 19106

(215) 440-2600

TTY (215) 440-2610

#### **Office for Civil Rights (“OCR”)**

Philadelphia Office

U.S. Department of Education

100 Penn Square East, Suite 515

Philadelphia, PA 19107

(215) 656-8541

TDD (877) 521-2172



Offices of Equality and Disability

## COMPLAINT OF DISCRIMINATION and/or HARASSMENT

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Please check all that apply: Student\_\_\_ Undergraduate\_\_\_ Graduate \_\_\_  
Employee\_\_\_ Faculty \_\_\_ Supervisor \_\_\_

Current Job Title (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Contact Numbers: Day\_\_\_\_\_ Evening \_\_\_\_\_

I request that my complaint be considered under the University's Equal Opportunity policies. This complain is based on one or more of the following areas of discrimination/ harassment: (Please all that apply below)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Race, Color                | <input type="checkbox"/> Age                         | <input type="checkbox"/> FMLA               |
| <input type="checkbox"/> National Origin, Ethnicity | <input type="checkbox"/> Religion                    | <input type="checkbox"/> Citizenship Status |
| <input type="checkbox"/> Disability                 | <input type="checkbox"/> Sex (gender) discrimination |   |
| <input type="checkbox"/> Retaliation                | <input type="checkbox"/> Sexual Harassment           |   |
| <input type="checkbox"/> Veteran Status             | <input type="checkbox"/> Other                       |   |

Relate the facts on which this complaint is based, giving the date(s) on which the alleged incidents occurred and the name(s) and title(s) of the person(s) whom you believe to be involved. (You may attach additional sheets as needed).

\_\_\_\_\_

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(OVER)

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Please provide names and contact information for any witnesses.

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What remedy are you seeking?

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Are you interested in the Voluntary Mediation Procedure (described in the Discrimination or Harassment Complaint Resolution Procedure)?  
Please check: Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Signature Date

**Complaints will be reviewed and investigated as soon as possible. You will receive a written report of the findings.**

**Return via mail or fax this form to:**

**Rhonda Karp, Ed.D.  
Senior Associate Vice President  
Offices of Equality and Disability  
Drexel University  
3141 Chestnut Street, 81-210  
Philadelphia, PA 19104**

**Fax: (215) 895-1402**