

POLICY #1.38

Policy Name: Sexual Misconduct (Title IX) Policy

Responsible Department: Human Resources

Effective Date: August 13, 2019

I. SCOPE

This policy applies to all Philadelphia College of Osteopathic Medicine (“PCOM” or “College”) faculty, staff, employees, students (collectively “Community Members”), and all volunteers, visitors, vendors, alumni and contractors (“Third Parties”).

II. POLICY

PCOM is committed to providing Community Members and Third Parties with an environment free from sexual misconduct. Sexual misconduct is a broad term that includes but is not limited to sexual harassment, sexual assault (non-consensual sexual contact, non-consensual sexual intercourse, and forced sexual intercourse), sexual exploitation, stalking, sexual violence, domestic violence, dating violence, and retaliation.

III. JURISDICTIONAL

This policy applies to sexual misconduct when it occurs either on campus or off campus, where the conduct occurred in connection with an officially College-sponsored program or activity.

IV. TITLE IX PROVISIONS

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in any educational programs or activities that receive federal funding, whether they take place in the facilities of a school or at an event sponsored by the school at another location. The Office of Civil Rights of the US Department of Education (“OCR”) is responsible for overseeing compliance with Title IX and issues regulations to help institutions comply with its principles. In the case of sexual misconduct, OCR requires that once an institution has received notice, it should take immediate and appropriate steps to investigate what occurred, take prompt and effective action to end the misconduct if such is found to be the case and take steps to remedy the effects of the misconduct and to prevent it from occurring again. These steps are the school’s responsibility whether or not the person makes a complaint or otherwise asks the school to take action; all reasonable steps to investigate and respond are still required. The OCR standard for “notice” is that a school may be held accountable for the failure to take

appropriate steps if any person who is a Responsible Employee was put on notice and took no corrective action. One important compliance requirement established by the OCR is that each school receiving federal funds should have at least one Title IX Coordinator responsible for promoting an institutional environment that is free of gender bias and sexual harassment.

V. REPORTING

A. Reporting Incidents to PCOM

Individuals who believe they have experienced or witnessed sexual misconduct are encouraged to make a report to PCOM in good faith. Reports of sexual misconduct may be made to the College via:

1. The PCOM Hotline at 844-337-3613 or at pcom.ethicspoint.com;
2. Completing the form at: pcom.edu/title-ix; or
3. Contacting the PCOM Equity and Title IX Coordinator or a Deputy Title IX Coordinator:

All Campuses- Equity and Title IX Coordinator:

Rowland Hall, 4190 City Avenue, Philadelphia, PA 19131

Telephone: 215-871-6528 or email: titleixcoordinator@pcom.edu

Philadelphia Campus- Deputy Title IX Coordinators:

Director, Security and Public Safety: (215) 871- 6355

Lieutenant, Security and Public Safety: (215) 871-6326

PCOM Georgia (Suwanee Campus)- Deputy Title IX Coordinators:

Lieutenant, Security and Public Safety: (678) 225-7517

Chief Student Affairs Officer: (678) 225- 7534

PCOM South Georgia (Moultrie Campus)- Deputy Title IX Coordinators:

Lieutenant, Security and Public Safety: (678) 225-7517

Assistant Director of Student Affairs: (229)668-3131

Reports of sexual misconduct may be made anonymously to PCOM through any of the above-listed means. To keep the report anonymous, do not include any identifying information (such as name, email, etc.). Because of the College's obligation to maintain a safe environment for all members of the College community, the College may pursue an investigation of an anonymous report. However, if the complainant wishes to remain anonymous, the College's ability to investigate and respond may be limited.

B. Timely Warnings: Individuals who experience sexual misconduct should be aware that the College must issue immediate timely warnings of incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to Community Members. The College will make every effort to protect confidentiality to the maximum extent possible, while still providing enough information for Community Members to make safety decisions in light of the circumstances.

C. Amnesty for Violation of Alcohol and/or Drug Use : To encourage the reporting of sexual misconduct, PCOM will not discipline complainants or witnesses for their personal consumption of drugs or alcohol at or around the time of the alleged conduct, where such consumption did not place at risk the health or safety of another person.

The College also has the discretion to grant amnesty for other minor conduct violations by complainants, respondents, and witnesses at or near the time of an incident, where granting amnesty is likely to encourage reporting or a more complete response from a party or witness during an investigation. Amnesty decisions regarding minor conduct violations will be made by the Equity and Title IX Coordinator in consultation with the Chief Compliance Officer. PCOM may impose educational remedies to address and prevent incidents of drug or alcohol use, or in response to minor conduct violations, including in instances where amnesty has been granted.

D. Reporting Incidents to Law Enforcement

In the event of an emergency, including physical danger or physical injuries, which require immediate attention, an individual should call 911 for immediate help. In addition to emergency or urgent reporting via 911, reports may be made to law enforcement as follows:

Philadelphia: Philadelphia Special Victims Division (PA) at (215) 685-3251 or the precinct where the incident occurred.

Suwanee, Georgia: Suwanee Police Department (GA) at (770) 513-5700.

Moultrie, Georgia: Moultrie Police Department (GA) at (229) 985-3131.

E. Required Reporting by PCOM Employees

The College considers all faculty, staff and employees to be Responsible Employees who are required to promptly report to the Equity and Title IX Coordinator or Chief Compliance Officer any information they receive about sexual misconduct in violation of this policy. Responsible Employees who become aware of conduct prohibited by this policy that occurs on a PCOM campus or in an officially College sponsored program or activity must report

promptly to the Equity and Title IX Coordinator the names of the parties and any witnesses, as well as the date, time, location, and nature of the incident. The faculty, staff or employee should only report what they know and should not investigate on their own. Failure to make a required report as a Responsible Employee may result in disciplinary action.

F. Retaliation

Retaliation against an individual for making an allegation of sexual misconduct, or for cooperating in an investigation of a complaint, is prohibited and a violation of this policy. Retaliation and intimidation can take many forms, including but not limited to, continued abuse or violence, threats and intimidation. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation. Anyone who believes that they have been retaliated against for making a complaint or for cooperating in an investigation or hearing should immediately contact the Equity and Title IX Coordinator, a Deputy Title IX Coordinator, or the Chief Compliance Officer.

VI. PROCEDURES FOR RESOLVING ALLEGATIONS OF SEXUAL MISCONDUCT

The procedures set forth below outline informal and formal options for resolving allegations of sexual misconduct under this policy where the respondent is faculty (full, part-time, adjunct or clinical), staff, employee or student. The College will investigate all complaints of sexual misconduct covered under this policy in a full and impartial manner and will take steps to stop the misconduct, prevent its recurrence, and provide appropriate remedies to address its effects on those involved.

A. Reporting and Intake

1. Upon receipt of a report of alleged sexual misconduct, the Equity and Title IX Coordinator or designee will address safety concerns that may be present and provide the complainant with information for on- and off-campus resources. The complainant will also be provided an overview of the College's procedures for resolving allegations covered by this policy.
2. The Equity and Title IX Coordinator or designee conducting the intake process will discuss with the complainant preliminary details about the alleged misconduct to assess whether the matter falls within the College's jurisdiction.

3. The Equity and Title IX Coordinator or designee will communicate to the complainant in writing the decision regarding the complaint.

B. Support Person

Both complainants and respondents may have one support person attend any informal or formal process. Support persons are expected to make themselves available for scheduled interviews and meetings, though the College may, in its discretion, take into consideration reasonable scheduling difficulties of support persons. Support persons who become disruptive during the process will receive a warning and may be asked to leave interviews or meetings.

C. Interim Measures

1. Upon receipt of a report of sexual misconduct, the College may provide reasonable and appropriate interim measures designed to preserve the safety of all parties involved and the College community as a whole, maintain the integrity of the investigative and resolution process, and deter possible retaliation. The College may provide interim measures regardless of whether the student seeks to engage in the College's internal processes. Such remedies may include, but are not limited to, "no contact" orders and changes in academic schedule. Other options may be considered as appropriate and feasible. Any remedies approved will be reviewed and modified as conditions warrant.
2. Individuals who have experienced or witnessed sexual misconduct are encouraged to seek emotional support as soon as possible, either on or off-campus. On-campus resources for students include personal support counselors on each campus. Community Member can also access **Carebridge Counseling Services**, 24 hours a day, 7 days a week. Counselors are trained to provide crisis intervention and provide referrals for longer-term care as necessary. Carebridge can be reached at: 800-437-0911 or online at myliferesource.com, access code: R5SAF

D. Reporting Party And Responding Party Rights And Support Guidelines

PCOM will provide both the reporting and responding parties a list of their rights and support guidelines while engaged in reporting and resolution process associated with this policy. Where it is alleged that a Third Party committed sexual misconduct, a complaint may be made to the Equity and

Title IX Coordinator, who will evaluate the complaint in consultation with the Chief Compliance Officer to determine appropriate steps.

E. Informal Resolution Procedure

In some instances, complainants who believe they have experienced sexual misconduct may wish to take action to address the conduct short of filing a formal complaint. Complainants who wish to address these issues informally should do so with assistance from the PCOM Equity and Title IX Coordinator. The informal resolution process typically will not require the complainant to confront the respondent directly, although the Equity and Title IX Coordinator may facilitate a resolution by obtaining input from both parties. The resolution may be documented through a written agreement between the parties. The Equity and Title IX Coordinator may also determine that it is appropriate to take remedial action to address misconduct, such as where a respondent admits to a policy violation. Either party may request, or the Equity and Title IX Coordinator may suggest, use of the informal resolution procedure. Either party may choose to end the informal process at any time and begin the formal complaint process.

F. Formal Resolution Procedure

If the complainant requests or the Equity and Title IX Coordinator deems that the alleged actions require a formal process, the following will occur upon receipt of a report of alleged sexual misconduct:

1. **Notices to the Parties:** The Equity and Title IX Coordinator determines that the College will move forward with an investigation. The Equity and Title IX Coordinator will notify the parties in writing of the College's decision to move forward with an investigation. The parties will be informed of the allegation(s) that will be investigated.
2. **Investigation:** If warranted, the Equity and Title IX Coordinator will identify at least one trained investigator to conduct an investigation of the complaint, who may be the Coordinator or a Deputy Coordinator, or an outside qualified investigator. The parties will have an equal opportunity to identify witnesses and provide relevant evidence. The investigator(s) will interview the parties and interview relevant witnesses and review relevant evidence, as appropriate. At the conclusion of the investigation, the investigator(s) will prepare a written report that describes the investigation and material information obtained in the course of the investigation.

3. **Determination:** The Equity and Title IX Coordinator will consider the recommended finding, make a determination as to responsibility, and determine if disciplinary action and/or remedies are appropriate.
4. **Sanctions and remedies:** If a determination is made that the respondent is responsible for a policy violation, appropriate sanctions will be imposed on the respondent and it will be ascertained whether any remedies are necessary for those affected by the misconduct. In determining sanctions, factors such as the nature and seriousness of the conduct; the respondent's prior disciplinary history; how the conduct impacted the complainant and others; the likelihood of recurrence of the conduct; and other mitigating or aggravating factors will be considered.
5. **Written notice of outcome:** Within three business days of the date of the determination decision, as appropriate, PCOM will provide the parties with concurrent written notice of the outcome of the complaint. The complainant will receive notice of any sanctions imposed on the respondent that directly relate to the complainant.
6. **Appeal procedure:** Either party may file an appeal on one of the following grounds: (a) there was a significant procedural error that affected the outcome; (b) there is new information that was not reasonably available during the investigation that would change the outcome of the complaint; (c) the sanctions imposed are substantially disproportionate to the findings. Appeals must be filed within three business days of the date of the written notice of the outcome by sending a written appeal to Chief Human Resources Officer, who shall serve as the appeals officer. The appeals officer will notify the other party that an appeal has been filed and provide the other party with three business days to respond, if desired. The appeals officer will decide the appeal within 10 business days of the date of the written appeal and will provide concurrent written notice of the outcome of the appeal to both parties within this time frame. The decision of the appeal officer is the final decision of the College.

G. Sanctions

Violations of this policy may result in the imposition of a full range of sanctions up to and including separation and dismissal.

Disciplinary Action for faculty, staff and employees will follow Disciplinary Action, Policy 2.05. Disciplinary action encompasses verbal warnings, written warning, suspension, and termination of employment.

H. Disability Related Accommodations

Complainants, respondents, or witnesses who require accommodations to participate in the formal or informal resolution procedures under this policy, or to make a report, should notify the Equity and Title IX Coordinator, who also serves as PCOM's ADA/Section 504 Coordinator. Individuals in need of accommodation should ensure that sufficient notice is provided to the Equity and Title IX Coordinator to permit the evaluation of the request and related documentation.

I. Conflicts of Interest

Any concerns regarding conflicts of interest for administrators designated to execute aspects of this policy should be brought to the attention of the Equity and Title IX Coordinator, the Chief Compliance Officer, or the Chief Human Resources Officer. Any administrator or the supervisor of any administrator with responsibilities for implementing this policy may designate another administrator to carry out those responsibilities, where necessary, to address a conflict of interest.