

POLICY #1.37

Policy Name: Non-Discrimination

Responsible Department: Human Resources

Effective Date: July 30, 2019

Last update: January 5, 2023

I. SCOPE:

This policy applies to all Philadelphia College of Osteopathic Medicine (“PCOM” or “College”) faculty (whether full, part-time, adjunct or clinical), staff, employees, and students (collectively “Community Members”) and Third Parties (as defined herein).

II. POLICY STATEMENT:

Philadelphia College of Osteopathic Medicine is committed to providing Community Members with an environment free from unlawful discrimination and harassment. PCOM seeks to foster an inclusive educational and work environment for all faculty, staff, employees, and students. PCOM prohibits discrimination on the basis of age, race, sex, color, gender, gender identity and expression, national origin, ethnicity, ancestry, sexual orientation, religion, creed, disability, genetic information, marital status, pregnancy, military and military veteran status or any other legally protected class status in all its programs, activities, and employment practices.

PCOM will not tolerate unlawful discrimination or harassment of any kind and subscribes to the principles and adheres to the requirements of state and federal law pertaining to civil rights and equal opportunity in accordance with the requirements of Title VI of the Civil Rights Act of 1964, as amended: Title IX of the Education Amendments of 1972: Section 504 of the Rehabilitation Act of 1973, as amended: the Age Discrimination Act of 1975, as amended and the Americans with Disabilities Act of 1990, as amended and complies with all applicable federal conscience protections. Philadelphia College of Osteopathic Medicine is an equal opportunity employer.

III. DEFINITIONS:

Complainant: The person who reports a violation of this policy.

Respondent: The person whose actions are alleged to have violated this policy.

Retaliation: Retaliation is action taken by an individual absent legitimate non-retaliatory purposes, directed against an individual as reprisal for filing, participating in an investigation or proceeding, or otherwise for asserting rights protected by this policy.

Third Party: A visitor, volunteer, vendor, alumni, or contractor on PCOM property or who is participating in a College-sponsored activity or is providing services to the College; applicants for admission to an academic program; and applicants for employment with the College.

Unlawful Discrimination: An adverse action or decision that is based on or motivated by an individual's age, race, color, gender, gender identity and expression, national origin, ethnicity, ancestry, sexual orientation, religion, creed, disability, genetic information, marital status, pregnancy, military and military veteran status or any other legally protected class status.

Unlawful Harassment: Behavior based on age, race, color, gender, gender identity and expression, national origin, ancestry, sexual orientation, religion, creed, disability, genetic information, marital status, pregnancy, military and military veteran status or any other legally protected class status that is so severe or pervasive that it interferes with an individual's performance or creates an intimidating, hostile or offensive environment. It may include, but is not limited to: unwanted physical contact, use of epithets, inappropriate jokes, comments or innuendos, obscene or harassing telephone calls, emails, letters, notes or other forms of communication. (Sexual harassment is outside the scope of this policy and is addressed in Policy #1.38 – Sexual Harassment (Title IX).)

IV. POLICY:

A. Reporting:

1. Individuals who believe they have experienced Unlawful Discrimination or Harassment are encouraged to make a report to PCOM. The PCOM Equity and Title IX ~~Coordinator~~ Manager (Title IX Coordinator) is designated to receive allegations and reports of violation of this policy.

2. Reports of violations of this policy may be made to PCOM via either:
 - a. The Equity and Title IX ~~Coordinator~~ Manager (Title IX Coordinator) directly at:

Rowland Hall
4190 City Avenue
Philadelphia, PA 19131
Telephone: 215-871-6528
Email: titleixcoordinator@pcom.edu

or
 - b. The PCOM Compliance Hotline at 844-337-3613 or pcom.ethicspoint.com. Such reports may be made anonymously. The College's response to anonymous reports may be limited.
3. Upon receipt of a report of alleged violation of this policy, the Equity and Title IX Manager (Title IX Coordinator) or his/her designee conducting the intake process will discuss with the Complainant preliminary details about the basis of the report. If the matter is identified as suspected Unlawful Discrimination or Harassment hereunder, the Chief Compliance Officer will be notified by the Equity and Title IX Manager.

B. Investigation:

1. Reports of violations of this policy will be investigated by the PCOM Chief Compliance Officer, or upon consultation with the Chief Legal Affairs Officer, outside legal counsel.
2. Whether or not requested by the Complainant, interim protective measures (such as a no contact directive or a supervised or alternative reporting structure) to support a positive work or learning environment while an investigation is proceeding may be implemented in the College's discretion.
3. The Chief Compliance Officer will prepare a written report summarizing the results of his/her investigation and findings.
4. All allegations and reports with respect to the alleged violation of this policy together with the disposition thereof shall be provided on

a confidential basis to the PCOM Institutional Compliance Committee.

C. Government Agency or Legal Proceedings

A legal proceeding against the College alleging Unlawful Discrimination or Harassment stemming from allegations reported under this policy may supersede an investigation by the Chief Compliance Officer. In such event, the matter will be referred by the Chief Compliance Officer to the Chief Legal Affairs Officer for procedural determinations.

D. Discipline:

Upon written recommendation of the Chief Compliance Officer, the President or Provost or their delegate will make the final determination, in their discretion, as to any remedial or disciplinary actions required to address a violation of this policy found to have occurred. As appropriate, PCOM will provide the Complainant the outcome of the report and notice of any discipline imposed on the Respondent that directly relates to the Complainant.

E. Conflict of Interest:

If a Conflict of Interest is disclosed by or identified for any individual involved in the intake, investigative or determination process, a designee will be appointed to replace the conflicted person. If the conflict involves the Equity and Title IX Manager, the appointment of a designee will be made by the Chief Human Resources Officer. If the conflict involves the Provost or Chief Compliance Officer, the designee appointment will be made by the President. If the conflict involves the President, the designee appointment will be made by the Chairman of the Board of Trustees.

F. Administrative Closure of a Report without Investigation:

1. PCOM may decide in its discretion not to proceed with an investigation under this policy for reasons, including but not limited to:
 - i. A Complainant, even after contact and follow up with an investigator, fails to provide sufficient detail of the alleged conduct that is the basis of the report.
 - ii. The conduct alleged in the report is not covered by this policy.

- iii. The Complainant refuses to cooperate with PCOM's investigation.
2. If it is determined that the PCOM will not proceed with investigation of a report, the Equity and Title IX Manager will notify the Complainant (if not anonymous) in writing, stating the reason(s) why the complaint is not being investigated. The notification letter will include a statement informing the Complainant that a request for reconsideration of the determination can be submitted within ten (10) business days to the Chief Compliance Officer at Rowland Hall, Suite 420, 4190 City Ave, Philadelphia, Pa. 19103.

G. Extensions of Time:

Every reasonable attempt to adhere to the time frames set forth in these procedures will be made by the individuals addressing a reported complaint. However, it is recognized that circumstances may necessitate an extension of time. Therefore, the Equity and Title IX Manager or Chief Compliance Officer may extend the time limits set forth in these procedures as they deem necessary.

H. Retaliation and Good Faith Reporting

1. Retaliation against an individual who complains of Unlawful Discrimination or Harassment, or assists in an investigation involving this policy, is prohibited. Individuals found to have engaged in retaliatory actions are subject to disciplinary action, up to and including termination or dismissal from employment or academic programs.
2. PCOM Community Members and Third Parties reporting under this policy are expected to make reports in good faith. Knowingly or maliciously making a false report of Unlawful Discrimination or Harassment is prohibited and subject to disciplinary action, up to and including termination or dismissal from employment or academic programs.

I. Confidentiality

Reports and investigations of suspected unlawful discrimination or harassment shall be kept confidential to the extent reasonably possible, consistent with the need to conduct an adequate investigation. Disclosure of reports made under this policy to individuals not involved in the intake,

investigation or resolution of the matter or in violation of any PCOM policy may be subject to disciplinary action, up to and including termination or dismissal from employment or academic programs.

J. Training

Faculty, staff, employees and students will receive training as to the contents of this policy, periodically as well as upon matriculation to or hiring by the College. A current copy of this policy will be posted on the intranet at my.pcom.edu. Individuals with responsibilities for implementing this policy will receive periodic relevant training.

K. Retention of Records

All written records associated with the reporting, investigation and resolution of a complaint will be maintained in accordance with PCOM’s records retention policy.

<u>Review Date</u>	<u>Reviewer</u>	<u>Revision</u>
August 22, 2020	P. McKeon, Chief Compliance Officer	Title of referenced Policy #1.38, updated to Sexual Harassment (Title IX) Policy
January 5, 2023	P. McKeon, Chief Compliance Officer	In Policy Statement and Definitions sections: the protected status list was updated to specify pregnancy, consistent with the update to the Non-Discrimination Legal Requirements for NIH Recipients issued by the NIH on December 23,2022 (NOT-OD-23-047). Military and military veteran status were added to the specific list of protected status. Statement of compliance with applicable federal conscience protections added to Policy Statement section.

APPENDIX A
Reporting Sources

In addition to reporting any suspected Unlawful Discrimination or Harassment to PCOM, the following reporting options to external agencies are available to Complainants:

Equal Employment Opportunity Commission (EEOC):

In Georgia:

100 Alabama Street SW, Suite 4R30, Atlanta, GA 30303

Ph: 800-669-4000

In Pennsylvania:

801 Market Street, Suite, 1300, Philadelphia, PA 19107-3127 Ph:

800-669-4000 Email: pdocontact@eeoc.gov.

Georgia Commission on Equal Opportunity:

7 Martin Luther King, Jr. Dr. SE, Suite 351 – Agriculture Building, Atlanta, GA 30334 Ph:

800-473-6736

Pennsylvania Human Relations Commission (PHRC):

101 S. Second Street, Suite 300, Harrisburg, PA 17101

Ph: 717-787-4410

Department of Education - Office of Civil Rights (OCR): In

Georgia: 61 Forsyth Street S.W., Suite 19T10 Atlanta, GA 30303-8927

Ph: 404-974-9406 Email: OCR.Atlanta@ed.gov

In Pennsylvania: 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323 Ph:

215-656-8541 Email: OCR.Philadelphia@ed.gov

Inquiries may also be directed to:

Assistant Secretary for Civil Rights, U.S.

Department of Education, Washington,

D.C. 20202.

For more information on the Office of Civil Rights, please visit:

<https://www2.ed.gov/about/offices/list/ocr/aboutocr.html>.