

## **NONDISCRIMINATION**

Peirce College is an Equal Opportunity Institution. The College is committed to ensuring equal opportunity in all employment decisions, policies, and practices, and in connection with all educational programs and activities (including but not limited to recruitment, admissions, access to programs and course offerings, counseling, financial aid and scholarships, employment, use of facilities, and College-sponsored extracurricular activities).

The College will not engage in or tolerate unlawful discrimination, harassment, or retaliation on the basis of race, gender, ethnicity, religion, a religious group's actual or perceived shared ancestry or ethnic characteristics, age, national origin, color, disability, marital status, familial status, veteran status, ancestry, genetic characteristics, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, creed, citizenship, sexual orientation, gender identity or expression, military status, or any other protected classifications in its employment, admissions, programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and other applicable statutes and College policies.

The College's Policy on equal opportunity supports and is consistent with the College's commitment to enhancing diversity and inclusiveness.

### **Diversity & Inclusion Mission Statement**

At Peirce College, Diversity & Inclusion is broader than our commitment to equal opportunity associated with the protected classifications identified under local, state, or federal law. Diversity & Inclusion embraces diverse experiences, perspectives, ideas, styles, and affiliations as well as fosters an inclusive environment. We believe that we are much stronger as a College as a result of enriching our diversity and creating a culture that promotes inclusion. We strive to ensure that our policies and practices are respectful of diversity and inclusion.

## **RESOURCES / CONTACT INFORMATION**

The Director, Employment and Employee Services has been designated as the **Interim Title IX Coordinator** to handle inquiries regarding nondiscrimination policies (including policies prohibiting harassment and retaliation) and to serve as the overall campus coordinator for purposes of Title IX compliance, and is available at 3R Alumni Hall, [dmjuarez@peirce.edu](mailto:dmjuarez@peirce.edu), or 215-670-9217.

In addition, the following individuals have been designated as Deputy Title IX Coordinators:

- The Director, Employment & Employee Services will serve as the Deputy Title IX Coordinator for matters related to prospective or current employees, and is available at 3R Alumni Hall, [dmjuarez@peirce.edu](mailto:dmjuarez@peirce.edu), or 215-670-9217.
- The Assistant Dean, Student Support Services will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available at 2 Alumni Hall, [tathomas@peirce.edu](mailto:tathomas@peirce.edu), or 215-670-9423.
- The Dean, Academic Advising & Registrar will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available at 3 Alumni Hall, [svbegley@peirce.edu](mailto:svbegley@peirce.edu), or 215-670-9072.
- The Director, Undergraduate Admissions will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available at 1 College Hall, [slgauthney@peirce.edu](mailto:slgauthney@peirce.edu), or 215-670-9279.

- The Director, Student Financial Services will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available on the 1 College Hall, [rmwyatt@peirce.edu](mailto:rmwyatt@peirce.edu), or 215-670-9332.
- The Director, Center for Career & Professional Development will serve as the Deputy Title IX Coordinator for matters related to prospective or current students, and is available at 2 Alumni Hall, [lballway@peirce.edu](mailto:lballway@peirce.edu), or 215-670-9292.
- The Associate Director, Faculty Recruitment & Professional Development will serve as the Deputy Title IX Coordinator for matters related to prospective or current employees, and is available at 2 Alumni Hall, [gamarte1@peirce.edu](mailto:gamate1@peirce.edu), or 215-670-9256.
- Assistant Professor, Health Programs will serve as the Deputy Title IX Coordinator for matters related to prospective or current faculty, and is available at 2 College Hall, [jmloggains@peirce.edu](mailto:jmloggains@peirce.edu), or 215-670-9395.

The following individuals have been designated to handle inquiries regarding the Americans with Disabilities Act, the Rehabilitation Act, and related statutes and regulations:

- The Director, Payroll & Employee Services, who is a member of the Human Resources Department will serve to handle matters related to prospective or current employees, and is available at 3R Alumni Hall, [fcflippen@peirce.edu](mailto:fcflippen@peirce.edu), or (215) 670-9224.
- The Facilitator, Perkins Grant/Student Disability Services Coordinator will serve to handle matters related to prospective or current students, and is available at the Mary W. Walker '33 Center for Academic Excellence, 2 Alumni Hall, [dsfrank@peirce.edu](mailto:dsfrank@peirce.edu), or 215-670-9251.

Inquiries concerning the application of antidiscrimination laws may be referred to the Title IX Coordinators or to the Office for Civil Rights, United States Department of Education. For further information on notice of nondiscrimination, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the U.S. Department of Education Office that serves your area, or call 1 (800) 421-3481.

## **POLICY PROHIBITING SEXUAL HARASSMENT**

The College will neither engage in nor tolerate sexual harassment. Consistent with the foregoing, the following behaviors are prohibited, whether by a man or a woman and whether directed at a man or a woman:

- To threaten or insinuate, expressly or implicitly, that any person is required to submit to sexual advances or to provide sexual favors as a condition of student employment or academic advancement, continued student employment or academic advancement, or any term, condition or benefit of student employment or academic decisions, or that a person's refusal to submit to sexual advances or to provide sexual favors will affect adversely the person's:
  - Establishing eligibility for or enjoying any term, condition, or benefit associated with any of the College's academic or student services or programs,
  - Satisfying successfully the academic requirements for a course of study, or for continued enrollment and participation as a student of the College, or
  - Qualifying for or continuing in a Work-Study program with the College;
- To make any decision or take any academic or student employment action based on a person's submission to or refusal to submit to sexual advances; and

- To engage in unwelcome sexually-oriented or otherwise hostile conduct which has the purpose or effect of interfering unreasonably with another person's academic or student employment performance or of creating an intimidating, hostile, abusive or offensive academic or work environment.

Sexual harassment also includes acts of sexual violence, sexual assault and other sexual misconduct (collectively, "sexual violence") and is prohibited by this policy.

Sexual violence refers to when a person is physically forced to engage in a sexual act against a person's will, is coerced into engaging in such acts or where a person is physically or mentally incapable of giving consent including, for example, due to the use of drugs or alcohol or an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. (For additional information and resources, please refer to the ***Sexual Violence Policy (Awareness, Prevention, and Response)*** which appears in *SECTION X* of the College Catalog.)

Examples of behaviors, communications, etc. that are inappropriate, and as such, prohibited, regardless of whether they constitute unlawful sexual harassment include, but are not limited to:

- Demanding or threatening adverse academic student employment actions if sexual favors are not granted;
- Unwanted and unnecessary physical contact such as pinching, patting, repeated brushing against an individual's body;
- Demands for sexual favors in exchange for favorable treatment or continued student employment;
- Display of pornographic material;
- Excessively offensive remarks, including unwelcome graphic or suggestive comments about an individual's body, appearance or dress;
- Obscene jokes or other inappropriate use of sexually explicit or offensive language;
- Cyber-harassment;
- The display in the academic or student work environment of sexually suggestive objects or pictures which create an intimidating or hostile academic or student employment environment; and
- Other unwelcome and unwanted conduct of a sexual nature, such as leering, name calling, and sexual innuendos.

## **POLICY PROHIBITING HARASSMENT ON ACCOUNT OF OTHER PROTECTED CATEGORIES**

Harassment of an individual on account of other protected categories is unlawful and prohibited by this policy. Such harassment includes any unwelcome or unwanted attention, and other verbal, visual, or physical conduct or other form of offensive behavior directed toward an individual because of or on account of the individual's race, gender, ethnicity, religion, a religious group's actual or perceived shared ancestry or ethnic characteristics, age, national origin, color, disability, marital status, familial status, veteran status, ancestry, genetic characteristics, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, creed, citizenship, sexual orientation, gender identity or expression, military status, or any other protected classifications when:

- Submission to or rejection of such conduct by an individual is used as a basis or factor in decisions affecting the terms or conditions of educational instruction, student employment, or status and/or participation in other College program or activity;

- Submission to or rejection of such conduct by an individual is used either explicitly or implicitly as a basis for a decision affecting an individual's educational instruction, student employment, or status and/or participation in other College program or activity; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's, educational experience, student working conditions, and/or participation in a program or activity by creating an intimidating, hostile or offensive academic or student employment environment.

Examples of the types of conduct that are inappropriate and violate this policy, regardless of whether they constitute unlawful harassment on account of other protected categories include, but are not limited to:

- Communication or display of offensive material capable of a stereotypical or discriminatory meaning;
- Offensive remarks containing stereotypical or discriminatory references, including unwelcome comments about an individual's body, appearance, manner, speech or dress capable of a stereotypical or discriminatory meaning;
- Racial, religious, ethnic or other stereotypical or discriminatory jokes or other inappropriate use of racial, religious, ethnic or other discriminatory language capable of a stereotypical or discriminatory meaning;
- The display in the academic or student employment environment of objects, drawings or pictures which create an intimidating or hostile academic or student employment environment; and
- Other unwelcome and unwanted conduct of a stereotypical or discriminatory nature, such as name calling and racial, religious, or ethnic innuendos.

## **POLICY PROHIBITING RETALIATION**

The College will neither engage in nor tolerate unlawful retaliation of any kind against any person (student or employee) who makes a complaint of unlawful discrimination, harassment, or retaliation, serves as a witness, or otherwise participates in the investigatory process. The College will also refrain from penalizing a student in terms, conditions or privileges of student-employment for requesting or using an accommodation, including in connection with the student's pregnancy (including pregnancy, childbirth, or medical conditions related to pregnancy or childbirth). As with all other provisions of this policy, all students are protected by this provision as well as restricted in terms of what they do.

Prohibited retaliation includes adverse tangible employment or educational or student employment actions, such as a reduction in a course grade or termination of student employment. Prohibited retaliation also may include adverse actions independent of the educational or student employment environment, such as trying to exclude an individual from membership in an outside professional organization because of a complaint he or she made during the course of his or her academic or student employment experience.

It is no defense retaliation by any person that the complaint did not have legal merit. Generally speaking, so long as a student acts in good faith in making a complaint alleging unlawful discrimination, harassment, or retaliation, serving as a witness, or otherwise participating in the investigatory process, no adverse action can be taken against him or her because he or she made the complaint, served as a witness, or otherwise participated in the investigatory process.

Prohibited retaliation will be handled under this policy in the same manner and subject to disciplinary/corrective action to the same degree as any other violation of this policy.

## **SCOPE OF THE POLICY**

It is important to remember that these prohibitions apply not only to oral and written communications, but also to electronic communications via Peirce College Technology, which include, email and voicemail, Internet communications and searches, and other technology-assisted communications. For related information, please refer to the Acceptable Usage of Computer Systems and Facilities policy, which appears in SECTION III of the College Catalog.

The prohibitions on inappropriate behavior set forth above apply not only on the College campus itself but also to all other academic-related settings, such as on site locations as well as academic-related social functions. If the inappropriate behavior occurred off campus, we have no jurisdiction but will prevent, respond, and correct continuing effects. It is of no defense to inappropriate behavior that there was no bad intent, it was only a joke, or that it was not directed at any person.

## **DISCRIMINATION, RETALIATION, OR HARASSMENT ADVANCED BY NON-EMPLOYEES**

The prohibitions set forth in this policy apply not only to the students of Peirce College but also to the College's officers, employees (including faculty members, administration, and staff) and to other nonemployees with whom students may come in contact and/or interact in connection with their educational experience (such as College contractors, including Co-op employers, the College's vendors and suppliers).

Consequently, if you feel discriminated against, harassed (sexually or otherwise), or retaliated against by one of the College's officers, employees, or other nonemployee in connection with your educational experience, you should use the procedure set forth below. Conversely, the prohibitions set forth in this policy apply to the student's conduct relative to the College's officers, employees, other students, and other non-employees with whom students may come into contact and/or interact in connection with their educational or student employment experience.

## **SOCIAL RELATIONSHIPS WITH OTHERS ASSOCIATED WITH PEIRCE COLLEGE**

From time to time, students become involved in social relationships while attending Peirce College. While you have a right to say "yes", you also have an absolute right to say "no".<sup>1</sup> Consequently, if you feel any unwelcome pressure to become involved with any students, College officers, employees (including faculty members, administration, and staff), alumni, or other non-employees with whom you may come into contact and/or interact in connection with your educational experience (such as College contractors, including Co-op employers, the College's vendors and suppliers), we urge you to use the complaint procedure set forth below.<sup>2</sup>

## **REASONABLE ACCOMMODATIONS**

The College makes reasonable accommodations with respect to disabilities (including disabilities caused by, exacerbated by, or related to pregnancy).

A student does not have to use the words "reasonable accommodation" or "disability" in order to make a request for a reasonable accommodation. Upon receiving a request for a reasonable accommodation, the College will

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<sup>1</sup> Although not prohibited, the College strongly discourages students from dating (or attempts at dating) or entering into relationships of a romantic or sexual nature with College faculty, administration, or staff who may have the authority to influence, directly or indirectly, any term or condition of their student status. If such a relationship develops, students are encouraged to promptly notify the Assistant Dean, Student Support Services.

<sup>2</sup> If you ask a student, employee, or non-employee with whom you come into contact for a date and the person says "no," you cannot ask him or her again. Nor can you retaliate against him or her in any way.

comply with its legal obligation to engage in an interactive process to make an individualized determination of whether a reasonable accommodation can be provided without an undue hardship on the College. The College will treat a medical condition or complication that is caused or exacerbated by pregnancy no differently than other medical conditions for the purpose of determining whether a student is disabled, engaging in the interactive process, and evaluating whether a student is entitled to a reasonable accommodation. A reasonable accommodation will not be provided if it creates an undue hardship on the College. In addition, once approved, the continued need for an accommodation will be reviewed on an on-going basis, as appropriate.

Upon request, the College also will make reasonable accommodations which do not impose undue hardship on the College with regard to a student's religious observances, practices and beliefs of which the College is made aware.

If a student believes he or she requires a reasonable accommodation or has a question regarding educational services, activities, programs, or facilities that are accessible to or usable by students with disabilities, please contact the Facilitator, Perkins Grant & Student Disability Services Coordinator, who is available at the Mary W. Walker '33 Center for Academic Excellence, 2 Alumni Hall (215-670-9251). All information associated with a disclosure of this nature will be kept confidential, except to the extent such information needs to be shared to respond to and assess a student's accommodation request in order to evaluate and/or provide requested or recommended services and accommodations. It may be necessary for the College to disclose disability information provided by a student or a student's healthcare provider to appropriate College personnel participating in the accommodation process. For related information, please refer to the Student Disability Services policy, which appears in *SECTION I*.

### **Documentation**

Students requesting reasonable accommodations must obtain and provide to current and sufficient documentation of their disability before the start of the session in which they are enrolling and requesting an academic adjustment or services. This documentation must support both that a student has a disability as well as the necessity of the requested academic adjustment or services. The primary purpose of this documentation is to determine a student's eligibility for an accommodation and, if eligible, to help the College work interactively with a student to provide appropriate services. The College is not required, however, to provide accommodations that would result in a fundamental alteration to the nature of the program in which the student is enrolled or seeks to be enrolled, would create an undue financial burden, or which would pose a threat to safety and security.

Additionally, in reviewing a student's specific accommodation request or the recommendations of an evaluator, the College may find that while the recommendation is clinically supported, it is not the most appropriate accommodation given the requirements of a particular student's academic program. Therefore, the College may also propose accommodations that would be appropriate and useful to the student but which neither the student nor the evaluator have requested.

### **COMPLAINT PROCEDURE FOR TITLE IX AND EQUAL OPPORTUNITY RELATED CONCERNS**

The College encourages the reporting of all incidents of discrimination, harassment (including but not limited to sexual assault and violence), and/or retaliation<sup>3</sup>.

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<sup>3</sup> *The College makes additional resources available to individuals who believe they have been subjected to an incident of sexual assault/sexual violence. (Please refer to the Sexual Assault Awareness, Prevention, and Response policy for additional information and resources.)*

If you believe that you have been unlawfully discriminated against, harassed, or retaliated against by any College officer, employee (including a member of the faculty, administration, or support staff), student, alumni, contractor (including a Co-op employer), vendor, or supplier, or other nonemployee with whom you may come into contact and/or interact in connection with your employment with the College, please speak immediately to Assistant Dean, Student Support Services; Dean, Academic Advising and Registrar; Vice President, Academic Affairs and Provost; Vice President, Enrollment Management and Student Services, or Vice President, Human Resources/Chief Diversity and Inclusion Officer. The Vice President, Human Resources/Chief Diversity and Inclusion Officer also serves as the Title IX Coordinator is a member of the Human Resources Department and is available at 3R Alumni Hall, 215-670-9328. Please speak with the person with whom you feel most comfortable<sup>4</sup>. Please note that, if you prefer, you may leave an anonymous complaint using Peirce's online system at [www.peirce.ethicspoint.com](http://www.peirce.ethicspoint.com) or by calling the hotline phone number **(855) 857-5885**.

Upon receipt of the complaint, the College will do the following:

- Conduct a prompt and thorough impartial investigation within 60 calendar days, complex cases may take longer.
- Use a preponderance of the evidence standard in the investigation (meaning it is more likely than not the sexual harassment or violence occurred.)
- Disclose allegations only to the extent necessary to conduct the investigation/take corrective action<sup>5</sup>.
- Take corrective/disciplinary action with respect to any student, graduate, officer, employee or nonemployee who has engaged in illegal and/or inappropriate behavior, up to and including discipline or termination of his or her relationship with the College; and
- Neither engage in nor tolerate any unlawful retaliation against anyone who makes a complaint alleging unlawful discrimination, harassment, or retaliation, serves as a witness, or participates in the College's investigation.

At times, it may be appropriate to explore whether informal resolution will address a conflict. However, the College does not require that parties participate in the informal resolution process. Moreover, the parties have the right to end the informal resolution process at any time and utilize the formal complaint process at any time. Finally, some reports of discrimination or harassment, such as sexual violence or other forms of physical assault are never appropriate for informal resolution and will require a formal investigation.

The College understands and appreciates that, at times, an individual who reports an act of harassment (including sexual harassment), discrimination or retaliation may wish to remain anonymous and may not wish to pursue the internal disciplinary process.

Regardless of whether a formal complaint is filed, if the College has credible notice – either direct or indirect – of possible discrimination, harassment, or retaliation against a member of the College community, it will take immediate and appropriate steps to evaluate what occurred and determine if further action is required as well as

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<sup>4</sup> You also may approach the person who is harassing you or treating you unfairly and notify the person that the conduct or behavior is unwelcome. However, the College realizes that in some instances such action may not be appropriate and you are not required to do so.

<sup>5</sup> An individual has the option to file a formal criminal complaint with the appropriate law enforcement agency, to pursue the College's internal complaint process or to pursue both processes simultaneously. Where both an external criminal complaint is being investigated as well as an internal complaint is being investigated by the College, the College will proceed with its own internal investigation and will not unduly delay such investigation, even while law enforcement personnel are conducting their investigation.

prevent any further recurrence. Any response to such notice may be limited if the events giving rise such notice cannot be verified by independent facts. By way of example, the College will investigate allegations of sexual harassment, and take appropriate action, even if a complainant does not wish to pursue the disciplinary process; however, a complainant should be aware that any response may be hindered by the complainant's wish to anonymity and/or inaction.

The College may at any point in the complaint process elect to not permit an individual on campus, reassignment within the work-study program, or authorize other types of temporary measures to ensure the safety and well-being of others while the complaint process is pending, including but not limited to "no contact" provisions.

NOTE: In connection with complaints of sexual violence/harassment, additional procedures may apply.

Students, who are not entirely satisfied with how their complaint has been handled, should contact the President & Chief Executive Officer of the College in writing so that he/she can look into the concerns.

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