

TITLE IX COMPLIANCE REVIEW REPORT

University of Pennsylvania

**Department of Physics
and Astronomy**

Fiscal Year 2010



**U.S. DEPARTMENT OF
ENERGY**

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I. Introduction

During Fiscal Year 2010, the Office of Civil Rights and Diversity (OCRD) of the United States Department of Energy (the Department or DOE) conducted a Title IX compliance review of the graduate program of the Department of Physics and Astronomy (PA) at the University of Pennsylvania. The compliance review was conducted pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Section 1681, *et seq.*, and the Department's Title IX implementing regulations, 10 C.F.R. Parts 1042 and 1040. During the course of the compliance review, the Department requested and obtained data from the University and gathered data from the University's website. In April 2010, members of the Department's compliance review team held on-campus interviews with University administrators, including the University's Title IX Coordinator, and with students, faculty, and staff of the PA Department. The facts, findings, and recommendations contained in this report are based on a review and an analysis of the data obtained from the University, including the University's website, as well as information obtained from the interviews held with students, faculty, staff, and administrators.

A. Background

The Department supports a diverse portfolio of research at colleges, universities, and research institutions across the United States, providing funding to more than 300 such institutions every year. The funding provided by the Department for research at universities and colleges supports thousands of principal investigators, graduate students, and post-doctoral researchers.

Title IX and DOE Title IX implementing regulations prohibit recipients of federal financial assistance, such as universities and colleges, from discriminating on the basis of sex in any of their educational programs or activities. 20 U.S.C. § 1681(a); 10 C.F.R. § 1042.100. In addition, DOE Title IX implementing regulations require the Department to periodically conduct compliance reviews of recipients of DOE financial assistance to ensure compliance with the nondiscrimination requirements of Title IX. *See* 10 C.F.R. §§ 1042.605, 1040.101(a).

In July 2004, the Government Accountability Office (GAO) issued a report (GAO-04-639) entitled, "GENDER ISSUES: Women's Participation in the Sciences has Increased, but Agencies Need to do More to Ensure Compliance with Title IX." The purpose of the report was two-fold: (1) to report on the status of women in the sciences; and (2) to evaluate the Title IX compliance activities of the four federal science agencies—the Department of Energy, Department of Education, National Aeronautics and Space Administration, and National Science Foundation. With respect to the status of women in the sciences, the GAO reported that the participation of women in the sciences at the undergraduate and graduate levels had increased over the past 30 years; however, the GAO reported that "[w]omen continue to major in the sciences and earn degrees in the sciences to a lesser extent than men." The GAO also noted that

some studies suggest that sex discrimination may still affect women's choices and professional progress in the sciences. With respect to the Title IX compliance activities of the four federal science agencies, the GAO found that the agencies had taken steps, through the conduct of complaint investigations and the provision of technical assistance, to ensure that the institutions to which they provide financial assistance are in compliance with Title IX. However, the GAO noted that "[g]iven the general lack of knowledge and familiarity with the reach of Title IX and the disincentives for filing complaints against superiors," the agencies needed to do more to judge whether sex discrimination exists in the sciences. To that end, the GAO made recommendations specific to each of the four federal science agencies. With respect to the Department, the GAO recommended that the Secretary of Energy ensure that compliance reviews of grantees are periodically conducted.

In August 2007, Congress passed, and the President signed into law, the America COMPETES Act, Pub. L. No. 110-69, § 5010, 121 Stat. 572, 620 (2007), which provided additional impetus for the Department to conduct compliance reviews. The Act states that the Department should (1) implement the recommendations contained in the GAO report, and (2) conduct at least two Title IX compliance reviews annually of recipients of DOE financial assistance.

In Fiscal Year 2010, the Department conducted Title IX compliance reviews of physics programs at three universities to which it provides financial assistance, including the PA Department at the University of Pennsylvania.

B. Objective

The objective of the Title IX compliance review at the University of Pennsylvania was three-fold: (1) to determine whether male and female applicants and students had equal access to the opportunities and benefits offered by the graduate program of the Department of Physics and Astronomy; (2) to determine whether the University was in compliance with the requirements of Title IX and DOE Title IX implementing regulations; and (3) to identify and report on any promising practices instituted by the University for promoting gender equity.

C. Scope

At the University of Pennsylvania, the OCRD elected to review the graduate component of the PA Department. To determine whether graduate applicants and students, regardless of their sex, had equal access to the opportunities and benefits offered by the PA Department, the OCRD evaluated the following areas and/or practices of the PA Department: (1) student enrollment; (2) recruitment and outreach efforts; (3) admissions policies; (4) leave of absence and re-enrollment policies; (5) financial assistance opportunities; (6) graduate examination and writing requirements; (7) the academic climate; and (8) student safety. To determine whether the University was in compliance with the requirements of Title IX and DOE Title IX implementing regulations, the OCRD evaluated the following: (1) whether the University has designated a Title IX Coordinator; (2) whether the University has taken continuing steps to notify the campus community about its nondiscrimination policies related to Title IX; and (3) whether the University has adopted and published grievance procedures providing for the prompt and equitable resolution of Title IX-related complaints, including sex discrimination and sexual harassment complaints.

II. Graduate Physics and Astronomy Program

A. Student Enrollment

During the 2009-2010 academic year (AY), 104 graduate students were enrolled in the PA program. Of those students, 74 were male and 30 were female. The compliance review team interviewed 37 graduate PA students, including 18 male students and 19 female students, during its on-campus visit.

Table 1, below, shows the number and percentage of graduate male and female students enrolled in the PA program for AY 2005-2006 to AY 2009-2010.

Table 1: Graduate Student Enrollment

	Total	Male		Female	
2005-2006	102	77	75%	25	25%
2006-2007	101	73	72%	28	28%
2007-2008	103	74	72%	29	28%
2008-2009	97	70	72%	27	28%
2009-2010	104	74	71%	30	29%

B. Faculty, Staff, and Administrators

The PA Department has 36.25 full-time equivalent faculty members, of whom 5 are female. During the 2009-2010 academic year, 52 faculty members, of whom 47 were male and 5 were female, taught in the PA Department.¹ The compliance review team interviewed 18 of those faculty members (14 male faculty and 4 female faculty), including the Chair and Associate Chair for Graduate Affairs of the PA Department. The compliance review team also interviewed the Graduate Student Coordinator of the PA Department.

C. Recruitment and Outreach

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the recruitment of students. 10 C.F.R. § 1042.310. To determine whether the PA Department was in compliance with this provision, the OCRD reviewed the recruitment and outreach activities of the PA Department.

The University reported that it engages in an array of recruitment activities to recruit students to its graduate PA program. The University noted that the Graduate Division of the School of Arts and Sciences recruits students at recruitment fairs around the world, including those fairs hosted by the Institute for the Recruitment of Teachers, the University of Puerto Rico, and the Society for the Advancement of Chicanos and Native Americans in Science. The University indicated

¹ Twelve of the faculty members who taught in the PA Department during the 2009-2010 academic year had primary faculty appointments in other departments at the University, while two of the faculty members were tenured faculty members at other educational institutions.

that the PA Department purchases advertisement space on a website published by the American Institute of Physics to provide detailed information to prospective students about its graduate program. The University also indicated that it is a member of the National Name Exchange, which assists graduate programs in identifying eligible undergraduate students at participating schools who are interested in pursuing a doctoral degree.

The University also reported that the PA Department assumes principal responsibility for recruiting graduate students to its program once they have been admitted. To that end, the PA Department invites admitted graduate students to participate in Visiting Days, a recruitment event sponsored by the PA Department that provides admitted graduate students the opportunity to visit the campus, to meet with faculty and students in the program, and to tour laboratory and classroom facilities.

A majority of the graduate PA students who were interviewed indicated that they were not specifically recruited by the University. However, a few of the graduate PA students who were interviewed stated that they had participated in, or were familiar with, the Visiting Days program sponsored by the PA Department.

Finding

Recruitment and Outreach

The Department has found no evidence of discrimination based on sex in the recruitment and outreach efforts of the PA Department or of the Graduate Division of the School of Arts and Sciences, as described above. Therefore, the Department finds that the recruitment and outreach efforts outlined above comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

D. Admissions Process

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the admission of applicants. 10 C.F.R. § 1042.300. In determining whether a person satisfies a criterion for admission, or in making any offer of admission, recipients are prohibited from the following: giving preference to one person over another on the basis of sex; applying numerical limitations upon the number or proportion of persons of either sex who may be admitted; or otherwise treating one individual differently from another on the basis of sex. *Id.*

1. Background

The University of Pennsylvania has a centralized graduate admissions process. Therefore, individuals interested in pursuing a graduate PA degree apply for admission through the Graduate Division of the School of Arts and Sciences, rather than through the PA Department, itself. Applicants interested in enrolling in the graduate PA program are required to select the PA program and to identify their field(s) of specialization on the “Program Information” section of their application for admission.

2. Admissions Process²

In order to obtain admission to the PA doctoral program, an applicant must satisfy the minimum graduate admissions requirements of the PA Department, which include:

1. proof of a bachelor's degree in physics, astronomy, or a related science;³
2. scores from the GRE general test and the GRE subject test;
3. for applicants whose native language is not English, the TOEFL exam scores are required to demonstrate proficiency in English; and
4. prior research experience is strongly encouraged.

The PA Department has a Graduate Committee comprised of six faculty members (two from astrophysics, two from condensed matter, and two from high energy physics) that is responsible for reviewing applications for admission to the PA doctoral program. Each academic year, the Graduate Division of the School of Arts and Sciences determines the overall number of graduate students to whom the PA Department can offer admission. Once that number has been determined, members of the Graduate Committee consult with faculty members within the PA Department to determine how to distribute the number of allotted admissions among each subfield within the graduate PA program.

After reviewing applications for admission to the PA doctoral program, members of the Committee make recommendations to the Associate Chair for Graduate Affairs of the PA Department as to whether to grant or to deny admission to the applicants. The Associate Chair for Graduate Affairs is then responsible for making the final recommendations regarding applicants for admission to the Graduate Division of the School of Arts and Sciences. When making recommendations on an applicant's admission or denial of admission, the members of the Committee and the Associate Chair for Graduate Affairs consider three factors: an applicant's research experience, as evidenced by an applicant's statement of interest and letters of recommendation; an applicant's scores on the GRE examinations; and an applicant's undergraduate and graduate, if applicable, grade point average (GPA). The University indicated that individual members of the Committee may assign slightly different weights to each of the three factors. The University also stated that strong endorsements from the two Committee members associated with an applicant's subfield, as well as a strong endorsement from the Associate Chair for Graduate Affairs, are generally required for an applicant to be recommended for admission to the doctoral program.

² The Department notes that “[t]he graduate program in physics and astronomy is directed primarily towards the PhD degree,” and the PA Department does not generally admit applicants for terminal master's degrees. In addition, during the five-year period under review, the majority of applications for admission to the graduate PA program were applications for admission to the doctoral program. As a result, this subsection is limited to a review of the admissions process for applicants to the doctoral program.

³ If an applicant's bachelor's degree is not in physics or astronomy, a strong physics minor is required for admission to the graduate PA program.

The University noted that once the members of the Committee recommend approximately 80% of the allotted number for admission, the Associate Chair for Graduate Affairs submits the names of the applicants recommended for admission to the Graduate Division of the School of Arts and Sciences for final approval. The University stated that recommendations for admission on the remaining 20% of allotted positions are made in smaller groups later in the admissions cycle using the same procedures identified above.

3. Admissions Statistics⁴

Table 2, below, shows the number and percentage of students, by sex, who applied to the PA doctoral program from AY 2005-2006 to AY 2009-2010. The table also shows the number and percentage of male and female applicants who were admitted to the PA doctoral program, as well as the number and percentage of male and female applicants who enrolled in the program for the same time period.

Table 2: Doctoral Program—Applicants, Admissions, and New Enrollment per Academic Year

Doctoral Program		Total	Male		Female		Gender Not Identified	
2005-2006	No. of Applicants	241	182	76%	59	24%	0	0%
	No. Admitted	37	23	13%	14	24%	0	0%
	No. Enrolled	14	7	30%	7	50%	0	0%
2006-2007	No. of Applicants	280	219	78%	61	22%	0	0%
	No. Admitted	44	34	16%	10	16%	0	0%
	No. Enrolled	12	10	29%	2	20%	0	0%
2007-2008	No. of Applicants	302	240	79%	56	19%	6	2%
	No. Admitted	45	29	12%	14	25%	2	33%
	No. Enrolled	20	15	52%	5	36%	0	0%
2008-2009	No. of Applicants	326	264	81%	60	18%	2	1%
	No. Admitted	44	35	13%	8	13%	1	50%
	No. Enrolled	16	14	40%	2	25%	0	0%
2009-2010	No. of Applicants	329	258	78%	63	19%	8	2%
	No. Admitted	50	38	15%	11	18%	1	13%
	No. Enrolled	23	18	47%	5	45%	0	0%

During the five-year period under review, the admission rate for male students ranged from a low of 12% for AY 2007-2008 to a high of 16% for AY 2006-2007.⁵ The admission rate for female students during the same period ranged from a low of 13% for AY 2008-2009 to a high of 25%

⁴ The statistics provided in this subsection relate to admission and enrollment statistics of applicants to the doctoral program of the PA Department.

⁵ The admission rate of a specific gender is calculated by dividing the number of students of a specific gender who were admitted to the program by the number of students of that specific gender who applied for admission to the program and then converting that number to a percentage.

for AY 2007-2008. The average admission rate for male students over the five-year period was 14%, while the average admission rate for female students over the same period was 19%, a difference of 5%.

Over the same five-year period, the enrollment rate for male students ranged from a low of 29% for AY 2006-2007 to a high of 52% for AY 2007-2008.⁶ The enrollment rate for female students during the same period ranged from a low of 20% for AY 2006-2007 to a high of 50% for AY 2005-2006. The average enrollment rate for male students over the five-year period was 40%, while the average enrollment rate for female students over the same period was 37%, a difference of 3%.

4. Administrator Evaluation of the Admissions Process

The Associate Dean for Graduate Studies of the School of Arts and Sciences stated that his office is responsible for overseeing the admissions processes of the graduate programs within the School of Arts and Sciences, including the PA Department. He indicated that his office's primary role is to work with graduate programs to identify the number of students to whom they can offer admission and the amount of financial assistance they can offer to newly admitted students. When asked whether different factors or criteria are ever applied to applicants to the graduate PA program based on their sex, the Associate Dean stated that "people are sensitive to the issue of gender equity." He also stated that "every application for admission is reviewed on its own merits."

The Chair of the PA Department stated that each Committee member decides which applicants best fit the graduate program based on a core set of factors, including an applicant's dedication to graduate study and research, letters of recommendation, GPA, and GRE scores. He noted that not much weight is given to the physics section of the GRE, but that some weight is given to the math/quantitative sections of the GRE. He stated that the Committee members first agree on "absolute admits," and then determine how many other applicants can be supported by the PA Department. He stated that the Committee members then discuss the applicants' relative strengths and weaknesses before making final decisions on whether to admit the applicants.

The compliance review team asked the Associate Chair for Graduate Affairs whether he believed that the admissions process for the graduate PA program provided equal opportunity for both male and female applicants. He stated that he believed that the admissions process does provide equal opportunity for both male and female applicants to the graduate PA program.

5. Student Evaluation of the Admissions Process

A majority of the graduate PA students who were interviewed described the admissions process for the graduate PA program as a standard process. A majority of the graduate students also stated that they did not believe anything in their admissions experience was unfair.

⁶ The enrollment rate of a specific gender is calculated by dividing the number of students of a specific gender who enrolled in the program by the number of students of that specific gender who were admitted to the program and then converting that number to a percentage.

Finding

Admissions Process

The Department has found no evidence of discrimination based on sex in the admissions process of the doctoral program of the PA Department, as described above. The Department has found no evidence that the PA Department, in making admissions decisions related to applicants to the doctoral program, gives preference to one person over another based on sex, applies numerical limitations upon the number or proportion of persons of either sex who may be admitted, or otherwise treats one individual differently from another on the basis of sex. Therefore, the Department finds that the admissions process outlined above complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

E. Leave of Absence and Re-Enrollment Policies

DOE Title IX implementing regulations state that “no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic . . . or other education program or activity operated by a recipient” of financial assistance. 10 C.F.R. § 1042.400. The Department evaluated the PA Department’s leave of absence and re-enrollment policies to determine whether they comply with this general provision of nondiscrimination on the basis of sex.

1. General Leave of Absence and Re-Enrollment Policies

The University has a general leave of absence/re-enrollment policy in place for graduate students of all disciplines. The Graduate Division of the School of Arts and Sciences also has a leave of absence/re-enrollment policy that mirrors the University’s general leave of absence/re-enrollment policy. The PA Department follows the University’s and the Graduate Division’s policy related to leaves of absence/re-enrollment for its graduate students.

A graduate PA student who wishes to take a leave of absence must submit a written request to the Associate Chair for Graduate Affairs of the PA Department for approval. If the Associate Chair approves the leave request, the request is submitted to the Associate Dean for Graduate Education in the Graduate Division of the School of Arts and Sciences for final approval.⁷ The same process is utilized for graduate PA students who are seeking to re-enroll following a leave of absence. While this policy applies to both master’s degree and doctoral degree students, there are additional enrollment requirements and leave options available for doctoral degree students, which are described below.

⁷ The University has time limits in place for completion of master’s and doctoral degrees. A master’s degree must generally be completed within six years, while a doctoral degree must generally be completed within ten years. The granting of a leave of absence does not automatically extend a student’s time limit for completion of his/her degree.

2. Additional Requirements and Leave Options for Doctoral Degree Students

a. Continuous Registration Requirement

A doctoral degree student must maintain continuous enrollment unless he/she has been granted a formal leave of absence. The University will grant a leave of absence for a doctoral degree student for military duty, medical reasons, or family leave. This type of leave is typically approved for up to one year, and it does not count against a student's time limit for graduation. The University may grant a leave of absence for a doctoral degree student for other personal reasons for up to one year; however, this type of leave does not automatically change a student's time limit for graduation. A doctoral degree student who is on an approved leave of absence is not permitted to take language or other degree examinations while on leave.

A doctoral degree student who fails to register each semester after matriculating into the graduate PA program without an approved leave of absence will be considered to have withdrawn from candidacy for the degree. A student who is considered to have withdrawn from the graduate PA program under such circumstances must apply for re-certification and obtain approval from the Graduate Dean in order to be re-instated into the program.

b. Time off for Childbirth and Adoption

A doctoral degree student is eligible for eight weeks of time off for the birth or adoption of a child. A doctoral degree student in the PA program who wishes to take time off for childbirth or adoption must notify the Associate Chair for Graduate Affairs and his/her advisor/supervisor "in writing, at an early date, of his/her plans to initiate a 'Time Off' period, so that appropriate arrangements can be made to cover any teaching/research responsibilities."

The University has instituted the following additional policies with respect to a time off period:

1. Normally a time off period commences within two weeks of a child's birth or adoption.
2. During a time off period, a student remains enrolled full-time. In order to facilitate a rapid return to the program, a student may participate in his/her program as fully as he/she deems appropriate. By remaining on full-time status, student visa status and loan repayment schedules, if any, remain unchanged.
3. During a time off period, a student is entitled to academic accommodation, including relief from academic requirements, such as postponement of exams and course requirements.
4. During a time off period, a student who is receiving stipend support is entitled to the continuation of the support under the following circumstances:
 - a. A student who receives a stipend(s) from University funds is entitled to continue to draw support for up to eight weeks during an academic year;

- b. A student who receives support funded by government grants or other external funding sources is entitled to benefits as determined by the funding agency.

c. Family Leave of Absence Policy

A doctoral degree student may take an unpaid family leave of absence for the birth or adoption of a child, child care, or the care of an immediate family member (spouse, domestic partner, child, or parent) with a serious health condition. A doctoral degree student in the PA program who wishes to take a family leave of absence must notify the Associate Chair for Graduate Affairs and his/her advisor “in writing of his/her plans to take a Family Leave at an early date, so that appropriate arrangements can be made to cover any teaching/research responsibilities.”

The University has instituted the following additional policies with respect to a family leave of absence:

1. A doctoral degree student may take a family leave of absence for one or two semesters.
2. A family leave of absence “stops the clock” on a student’s academic requirements, including service requirements, for the duration of the leave.
3. During a period of family leave, a student may arrange to continue student health insurance, but is responsible for the payment of his/her premiums. In addition, upon paying a fee, a student on family leave will retain his/her PennCard, e-mail account(s), library privileges, and building access.
4. Funding commitments from the University are deferred during the time that a student is on family leave. A student who receives support from external sources, such as government grants, is subject to the conditions established by the funding source while on family leave.
5. A student’s service requirements, such as teaching and research responsibilities, must be met by a student following his/her return from family leave.
6. A student may make multiple requests for family leave and may request an extension of family leave beyond one year. Approval of an extension, deferral of funding, and continued academic accommodation are at the discretion of the Graduate Dean.

Finding

Leave of Absence and Re-Enrollment Policies

The Department has found no evidence of discrimination on the basis of sex in the administration of the leave of absence/re-enrollment policy for graduate PA students. Therefore, the Department finds that the leave of absence/re-enrollment policy outlined above for graduate PA students complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

Promising Practice

The Department finds the University's policies related to time off for childbirth or adoption and family medical leave to be promising practices. The policies allow male and female graduate PA students to address personal family needs and to balance those needs with their academic careers.

F. Student Financial Assistance

DOE Title IX implementing regulations state that in providing financial assistance to any of its students, a recipient shall not, on the basis of sex, provide different amounts or types of such assistance, limit eligibility for such assistance, apply different criteria, or otherwise discriminate. 10 C.F.R. § 1042.430. The OCRD evaluated the different types of financial assistance made available by the PA Department to its students, including financial recruitment incentives, to determine compliance with this provision.

1. Teaching Assistantships and Research Fellowships

a. Selection Process

The PA Department offers financial assistance to its graduate students in the form of teaching assistantship (TA) positions and research fellowship (RF) positions. An entering graduate PA student who does not have a research fellowship, or other non-teaching assistantship position, is required to serve as a TA during his/her first year in the graduate PA program.

The University stated that a graduate PA student is generally placed in a research group as an RF through the "mutual consent of the student and prospective advisor." First-year students are aided in the process of finding a research group by enrolling in Physics 501, a weekly seminar designed for first-year graduate PA students. The University noted that a different member of the graduate PA faculty participates in the seminar each week to describe the range of research opportunities that he/she has available that academic year. The University reported that the different subfields of the PA Department sponsor weekly seminars, which provide graduate PA students with another opportunity to learn about the research projects that faculty have available for them. Once first-year graduate PA students have had an opportunity to meet the graduate PA faculty and to learn about the research projects they have available, they decide which faculty member they would like to approach for a summer RF position. When a first-year graduate PA student approaches a faculty member to express his/her interest in an RF position, the faculty member generally researches the student's prior academic performance.

According to the University, most first-year graduate PA students are matched with a research project by the end of April of their first year. The University noted that "[t]his initial match is not binding and neither the student nor faculty member is obliged to continue the partnership beyond the summer." The University stated that in the majority of cases, this initial match proves to be the one that leads to a dissertation project. The University also noted that generally, once such a match has been made, the student no longer serves as a TA so that he/she can focus on his/her research. However, if, after the initial summer of research, either the student or the advisor decides not to continue the partnership, the student must begin the search for another

advisor and research project. In that event, the student will generally continue to serve as a TA until an advisor has been identified and a research project has been selected.

b. Faculty and Administrator Evaluation of the TA/RF Process

The Chair of the PA Department stated that all incoming graduate PA students are guaranteed financial assistance for five years. He noted that the financial support is largely in the form of teaching assistantship and research fellowship positions. The Chair also stated that male and female graduate PA students are compensated equally for comparable graduate assistantships. The Associate Chair for Graduate Affairs of the PA Department also reported that male and female graduate PA students are compensated equally for comparable graduate assistantships. He noted, however, that the Department had offered one female student a higher stipend, which was based on merit and a competing offer made to the student by another institution.

A number of the faculty members who were interviewed stated that gender is not considered when selecting a graduate PA student for a research fellowship position.

c. Distribution of Teaching Assistantships and Fellowships

Table 3, below, shows the distribution of teaching assistantships and various fellowships, including research fellowships, education fellowships, and the Fontaine Fellowship, among male and female graduate PA students from AY 2005-2006 to AY 2008-2009. Over the five-year period, males comprised 73% of the overall graduate PA student population, while females comprised 27% of the overall graduate PA student population. During the same time period, teaching assistantships and fellowships were generally awarded to male and female graduate PA students in proportion to their population size. For instance, from AY 2005-2006 to AY 2008-2009, male graduate PA students were awarded 77% of teaching assistantships and female graduate PA students were awarded 23% of teaching assistantships.⁸ Over the same five-year period, male graduate PA students were awarded 75% of fellowships, while female graduate PA students were awarded 25% of fellowships.⁹

⁸ These percentages are based on the total number of students who were awarded a teaching assistantship, either as their sole source of financial assistance from the PA Department, or in combination with other forms of financial assistance, such as a fellowship.

⁹ These percentages are based on the total number of students who were awarded a fellowship, either as their sole source of financial assistance from the PA Department, or in combination with other forms of financial assistance, such as a teaching assistantship.

Table 3: Teaching Assistantships and Fellowships¹⁰

		TA		RF		EF		FF		TA/EF		Total	
2005-2006	M	19	63%	46	81%	0	--	0	--	0	--	65	75%
	F	11	37%	11	19%	0	--	0	--	0	--	22	25%
2006-2007	M	27	82%	38	70%	0	--	0	--	0	--	65	75%
	F	6	18%	16	30%	0	--	0	--	0	--	22	25%
2007-2008	M	20	74%	45	76%	0	--	0	--	0	--	65	75%
	F	7	26%	14	24%	0	--	1	100%	0	--	22	25%
2008-2009	M	8	73%	35	73%	7	54%	0	--	15	100%	65	75%
	F	3	27%	13	27%	6	46%	0	--	0	--	22	25%

2. Recruitment Incentives

The PA Department generally utilizes four types of recruitment incentives: (1) committing to maintain the level of funding of an external fellowship (e.g., National Science Foundation Fellowship) after the fellowship expires;¹¹ (2) nominating students for the Fontaine Fellowship, which is a prestigious award administered by the Office of the Provost; (3) matching the stipend award offered by a peer institution to a prospective student;¹² and (4) offering a non-teaching assistantship to a prospective student, which waives his/her teaching requirement for his/her first year.¹³ The Associate Chair for Graduate Affairs of the PA Department is responsible for deciding which students/prospective students are to receive incentives. The Associate Chair generally consults the Graduate Committee when deciding whether to offer a prospective student a recruitment incentive. If a student is already enrolled in the graduate PA program, the Associate Chair generally consults the student’s advisor when determining whether to offer an incentive to the student.

During the five-year period under review, the PA Department awarded recruitment incentives to three male prospective graduate students and to four female prospective graduate students.

3. Achievement Awards

The PA Department selects graduate PA students for achievement awards on an annual basis. Each academic year, faculty members in the PA Department are asked to nominate graduate PA students for each achievement award. The Chair and Associate Chair for Graduate Affairs review the nominations submitted by faculty members and then make the final decision as to which graduate PA students will receive awards.

¹⁰ In Table 3, teaching assistantships are denoted as “TA,” research fellowships are denoted as “RF,” education fellowships are denoted as “EF,” and the Fontaine Fellowship is denoted as “FF.”

¹¹ The University noted that “[i]f supplemental funding is provided following the expiration of an external fellowship, it generally will be extended for the duration of the program.”

¹² The University stated that if it offers a larger stipend to a prospective student to match the offer of a peer institution, the terms of the offer are set to match those of the peer institution.

¹³ The University indicated that non-teaching assistantships are generally provided to prospective students only to match an offer of a peer institution.

Table 4, below, shows the distribution of achievement awards among male and female graduate PA students for AY 2005-2006 to AY 2009-2010. During the five-year period under review, 18 male graduate PA students received achievement awards from the PA Department, which was equivalent to 69% of the total number of awards given by the PA Department. During the same time period, 8 female graduate PA students received achievement awards from the PA Department, which was equivalent to 31% of the total number of awards given by the PA Department. The average award amount for male graduate PA students over the five-year period was \$2,172, while the average award amount for female graduate PA students over the five-year period was \$2,444. Male graduate PA students received 67% of the total dollar amount of the awards over the five-year period, while female graduate PA students received 33% of the total dollar amount of the awards.

Table 4: Achievement Awards

	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
Name of Award	Recipient/ Amount	Recipient/ Amount	Recipient/ Amount	Recipient/ Amount	Recipient/ Amount
Chairman’s Teaching Award	F: \$250	M: \$250	F: \$250	M: \$250	M: \$250
Arnold M. Denenstein Prize	M: \$400	M: \$400	M: \$400	M: \$400	n/a
The Werner Teutsch Memorial Prize	M: \$100 F: \$100	F: \$100	M: \$100	M: \$100	F: \$250
Zaccheus Daniel Astronomical Award	M: \$9,000	F: \$8,350 M: \$8,350	M: \$9,500	F: \$10,000	M: \$8,350
William E. Stephens Prize	n/a	n/a	F: \$250	M: \$250	n/a
The Elias Burstein Prize	n/a	n/a	M: \$250	n/a	n/a
Herbert B. Callen Memorial Prize	n/a	n/a	M: \$250	n/a	M: \$500

Finding

Teaching Assistantships and Fellowships

Over the five-year period under review, teaching assistantship and fellowship positions were generally awarded to male and female graduate PA students in proportion to their population size. In addition, the PA Department compensates male and female graduate PA students equally for comparable graduate assistantships. The Department has found no evidence that the PA Department, in selecting teaching assistants and research fellows over the five-year period, provided different types of such assistance, limited eligibility for such assistance, applied different criteria for such assistance, or otherwise discriminated on the basis of sex in providing such assistance. Therefore, the Department finds that the PA Department’s teaching assistant and research fellowship selection processes described above comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

Recruitment Incentives

The Department has found no evidence that the PA Department, in selecting recipients for recruitment incentives, provided different types of such assistance, limited eligibility for such assistance, applied different criteria for such assistance, or otherwise discriminated on the basis of sex in providing such assistance. Therefore, the Department finds that the PA Department's process for awarding recruitment incentives described above complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

Achievement Awards

The Department has found no evidence that the PA Department, in selecting recipients for achievement awards, provided different types of such assistance, limited eligibility for such assistance, applied different criteria for such assistance, or otherwise discriminated on the basis of sex in providing such assistance. Therefore, the Department finds that the PA Department's nomination/selection process for achievement awards described above complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

G. PhD Degree: Oral Candidacy Examination and Dissertation Requirements

DOE Title IX implementing regulations state that "no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient" of financial assistance. 10 C.F.R. § 1042.400. The Department evaluated the PA Department's administration of the oral candidacy examination, the dissertation defense, and the dissertation approval process to determine whether they comply with this general provision of nondiscrimination on the basis of sex.

1. PhD Degree: Background

The PhD is the primary graduate degree offered by the PA Department. In the first year of the program, most students enroll in formal courses that cover the basics of Quantum Mechanics, Electromagnetism, Statistical Mechanics, and Mathematical Methods. In addition to those first-year courses, PhD students enroll in the graduate seminar course referenced in Section II.F.1.a., above, that provides an introduction to ongoing research opportunities within the PA Department. A student must receive a grade of B+ or better in nine specified courses before proceeding to the PhD oral candidacy examination.

2. PhD Degree: Oral Candidacy Examination, Dissertation, and Dissertation Defense

a. Oral Candidacy Examination

All PhD students enrolled in the graduate PA program are required to pass the oral candidacy examination within eighteen months of completing their required coursework, and no later than their sixth term (semester) in the program. The PA Department strongly recommends that PhD students take the examination well in advance of the eighteen-month deadline.

The examination is administered by a three-member thesis committee and is expected to last approximately ninety minutes. The purpose of the examination is to determine a student's grasp of the fundamentals of his/her area of concentration and to assess his/her preparation for research in that area. At least one week prior to the examination, the student must provide each committee member with a statement summarizing his/her research activities and proposed dissertation topic (or proposed area of research).

The thesis committee must submit a form that reports the outcome of a student's examination to the Graduate Student Coordinator within one week of completion of the examination. A student who passes the examination, but who has coursework deficiencies at the time of the examination, is given a provisional passing grade on the examination until the deficiencies are removed. A student who fails the examination on the first attempt may take the examination a second time. However, the examination must be passed no later than the student's sixth term in the program. A student who fails the examination twice will be evaluated by the Graduate Committee and/or by the PA graduate faculty before a third attempt will be granted. In such cases, the thesis committee may be enlarged and/or reconstituted.

Although the thesis committee is expected to monitor a student's progress following the examination, a student's advisor assumes principal responsibility for mentoring a student.

b. Dissertation and Dissertation Defense

When a student is close to completion of his/her dissertation, the student and his/her advisor ask two additional members of the PA graduate faculty to join the thesis committee. Generally, at least one member of the committee is not an expert in the student's area of research. Faculty members from outside the PA graduate faculty may be allowed to serve on the committee at the discretion of the Associate Chair for Graduate Affairs. However, such faculty must hold at least tenure-track or equivalent positions and must be specialists in a field that is closely related to the dissertation topic.

A student must circulate copies of his/her dissertation to the committee members approximately one month before the dissertation defense. The defense, itself, is an hour-long oral presentation of the main results of the student's research to the thesis committee; the presentation is open to the public. Following the presentation, the student answers questions from the public. He/she then responds to questions from members of the thesis committee. This period is followed by a private session, during which time the student answers questions from members of the thesis committee. At the conclusion of the private session, the student leaves the room and the committee enters into deliberations. The committee then makes a determination as to the success or failure of the defense, and informs the student of its decision.

Following the defense, the committee evaluates the student's written dissertation. While the PA Department does not have written criteria for evaluating dissertations, the University indicated that dissertations are generally evaluated based on originality, logical consistency, perceived impact on the field, and a statement about the student's research activities. The University noted that the impact on the field is often substantiated by evidence that some subset of the dissertation work has already been published by leading scholarly journals.

Table 5, below, shows the number of PA PhD degree students who submitted their dissertations for approval from AY 2005-2006 to AY 2009-2010, as well as the number and percentage of dissertations that were approved. Table 5 also shows the number of PA PhD degree students who defended their dissertations before the thesis committee, as well as the number and percentage of students who successfully defended their dissertations. As Table 5 illustrates, the dissertation approval rate and dissertation defense passing rate for both male and female students over the five-year period was 100%.

Table 5: Dissertation Defense Success Rates and Dissertation Approval Rates

Academic Year	No. of Defenders/ Submissions			Male Students Passing		Female Students Passing	
	Total	Male	Female	No.	Percent	No.	Percent
2005-2006	7	6	1	6	100%	1	100%
2006-2007	10	8	2	8	100%	2	100%
2007-2008	17	14	3	14	100%	3	100%
2008-2009	17	15	2	15	100%	2	100%
2009-2010	10	7	3	7	100%	3	100%

Finding

Oral Candidacy Examination, Dissertation, and Dissertation Defense

The Department has found no evidence of discrimination on the basis of sex in the PA Department’s administration of the oral candidacy examination, the dissertation defense, or the dissertation approval process for PhD students, as described above. Therefore, the Department finds that the PA Department’s administration of the oral candidacy examination, the dissertation defense, and the dissertation approval process for PhD students complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

H. The Environment: Academic Climate and Campus Safety

As noted previously, DOE Title IX implementing regulations state that “no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient” of financial assistance. 10 C.F.R. § 1042.400. Consistent with this provision, the Department evaluated the academic climate within the PA Department, as well as campus safety, to determine whether either of these environmental aspects had the effect of excluding PA students from participation in PA programs or activities on the basis of their sex.

1. Academic Climate

The OCRD review team asked graduate PA students whether their sex had affected any aspect of their study at the University. A majority of the students interviewed stated that their sex had not affected their studies at the University. However, a female student stated that she thought that her gender “worked to [her] advantage.”

When graduate PA students were asked whether the sex of a student affected the dynamics between male and female students in the classroom, a majority of them said, “no.” A female student noted that males and females communicate differently, but ultimately that has no bearing on the understanding of course material. Another student stated that one’s personality affects the dynamics between male and female students more so than one’s gender. When graduate PA students were asked whether one’s sex affected the dynamics between professors and students in the classroom, a majority of them said, “no.” A female student stated that gender never affects the dynamics between professors and students in the classroom; instead, she said, one’s experience is based on his/her level of understanding and interest in the subject matter. Another female student, however, stated that the answer to that question “changes from professor to professor.” She indicated that she had dropped a course based on the actions of a professor, which she stated were attributable to either a faint gender bias or a personality conflict.

The OCRD review team also asked graduate PA students whether the low number of female faculty in the PA Department impacts the learning climate. Many of the graduate PA students stated that the low number of female faculty does not impact the learning climate. A male student stated that on a day-to-day basis, he did not feel anything was lacking; he also stated that the curriculum is standard regardless of who is teaching it. Nevertheless, he noted that he has always been told, “you are missing viewpoints if you are not diverse.” Another male student stated that there is no evidence that the low number of female faculty members in the PA Department has affected the academic climate; however, he stated that he “can imagine how it would [discourage] female students from pursuing degrees in physics and astronomy.” A female student indicated that she believed that the low number of female faculty members in the PA Department ultimately impacts the number of female graduate students who matriculate into the graduate PA program. She also stated her belief that each of the female faculty members in the PA Department is a role model, as each of them has a family and each of them is an effective professor. Another female student stated that having a low number of female faculty in a physics and astronomy department might have a negative impact on students at the undergraduate level; however, she stated that “once you’re a graduate student, it doesn’t detract from your experience.”

The OCRD review team asked PA faculty members about the climate for students, and whether they had observed any differences in the way male and female students are treated. A majority of faculty members stated that male and female graduate PA students were treated equally. A female faculty member noted that although she had not directly seen any differences in treatment, there still were not enough female graduate PA students to make up a “critical mass.”

2. Campus Safety

The University’s Division of Public Safety (DPS) has responsibility for ensuring the safety and security of the University’s campus. The University of Pennsylvania Police Department (UPPD), which is part of the DPS, employs 116 commissioned police officers and is accredited by the Commission on the Accreditation of Law Enforcement Agencies. The University stated that the DPS works in close partnership with the Philadelphia Police Department and the police and security departments of campuses in close proximity to the University to enhance its safety and security efforts.

The University informed the Department that it has a comprehensive approach to safety and security, which includes the use of commissioned police officers, security officers, emergency blue light phones, closed-circuit cameras, escort services (walking and riding), lighting, and other state-of-the-art strategies for preventing and responding to incidents. The University indicated that the DPS has engaged in extensive outreach and education efforts to ensure that students, faculty, staff, and visitors are protected and aware of the security/safety resources and services available to them.¹⁴

The OCRD review team asked graduate PA students whether they believed the campus and surrounding environment were safe. A majority of them said they felt the campus and surrounding area were safe. However, several students noted that while the campus, itself, may be safe, the area immediately surrounding the campus was not as safe. Some students indicated that they were aware of thefts/robberies that had occurred on campus. One student noted that his laptop had been stolen from his lab, while another student noted that her bike had been stolen from campus.

A number of students expressed their belief that the University had a strong police presence on campus. In addition, several students were aware of, and spoke positively about, the University's walking escort service, which is available to students and employees twenty-four hours a day in some areas of campus and from 10:00 a.m. to 3:00 a.m. in other areas of the campus.¹⁵ A number of students were also aware of, and spoke positively about, the University's shuttle escort service, which is available to students and employees in the evenings. One student noted that the University offers free self-defense classes, which are heavily advertised throughout campus.

Many PA faculty members who were interviewed stated they felt the campus and surrounding environment were safe. One faculty member stated that campus security is effective; however, he noted that the PA building is on the edge of campus, so there are fewer University police patrolling that area. The same faculty member also indicated that he was aware of muggings that had occurred on campus. A female faculty member stated that as a woman, she does not feel unsafe on campus, but that she is always cautious. Another faculty member noted that individuals need a key card to access the PA building after hours.

¹⁴ Since the on-site visit, the University has informed the Department that it was ranked first among institutions of higher education by Security Magazine for its safety and security program. The University indicated that it has received this honor four years in a row.

¹⁵ A female graduate PA student reported to the OCRD review team that in approximately 2006, students had raised concerns about University escorts engaging in inappropriate conversations with some of the students they were escorting. She stated that when the University became aware of the issue, it took steps to address the issue. She stated that she has not heard of any related concerns since that time.

Finding

Academic Climate

The Department finds that a majority of the graduate PA students who were interviewed believed that their sex had not affected any aspect of their study at the University; that the sex of a student did not affect the dynamics between male and female students in the classroom; and that one's sex did not affect the dynamics between professors and students in the classroom. The Department notes, however, that a female student allegedly withdrew from a course based on the alleged acts of a professor, which the student attributed to either a faint gender bias or a personality conflict.¹⁶

Campus Safety

The Department finds that although some students expressed concerns about the safety of the campus and surrounding environment, none of the students complained that their safety concerns had the effect of excluding them from participation in PA programs or activities.

Recommendation

Academic Climate

Given that a graduate PA student allegedly withdrew from a course based on the actions of a professor, which potentially were attributed to gender bias, the Department recommends that the PA Department require all PA faculty and staff to participate in Title IX-related training, so that they might be better informed about the requirements and prohibitions of Title IX, as well as the University's sex discrimination and sexual harassment policies. The Department also recommends that the PA Department require all graduate PA students to participate in Title IX-related training, so that they might be better informed about their rights and responsibilities under Title IX.¹⁷

Campus Safety

As noted above, some of the graduate PA students commented on thefts/robberies that had occurred on campus. Therefore, the Department recommends that the University continue to identify methods for combating campus crime. The Department recommends also that the University continue to find creative ways for improving campus safety, and that the University

¹⁶ The student did not definitively state that the alleged actions of the professor were gender based. In addition, the student did not file a formal complaint regarding this matter. Therefore, the Department cannot conclude that the professor's alleged actions were based on the student's gender.

¹⁷ Since the on-site visit, the University has emphasized that the PA Department and the University have "worked hard to ensure that the academic climate is one that is conducive to allowing faculty and students to thrive." The University has stated that it will "continue to work to create a campus culture of inclusive excellence." The University has also informed the Department that the University and the PA Department have set forth a plan, which they have already begun to implement, to increase awareness of and to prevent sex discrimination.

regularly remind students, faculty, and staff of the safety programs available to them.

III. Title IX Requirements

A. Designation of a Title IX Coordinator and Title IX Notification Requirements

1. Designation of a Title IX Coordinator

DOE Title IX implementing regulations require each recipient of financial assistance to designate at least one employee to coordinate its efforts to comply with and to carry out its responsibilities under Title IX and DOE Title IX implementing regulations. 10 C.F.R. § 1042.135(a).

The University has designated the Executive Director of the Office of Affirmative Action and Equal Opportunity Programs (AAEOP) as its Title IX Coordinator. The Executive Director is responsible for (among other functions): monitoring compliance with federal equal opportunity and affirmative action regulations, including Title IX; receiving, investigating, and resolving complaints of discrimination and harassment, including Title IX-related complaints; implementing, publicizing, and monitoring the University's equal opportunity and affirmative action policies and procedures; and educating students, staff, and faculty about their rights and responsibilities under federal equal opportunity regulations, such as Title IX.

The University informed the Department that from December 2007 to May 2010, the Executive Director position was vacant. During this time period, the University's Associate Director of the Office of Affirmative Action and Equal Opportunity Programs served as the Interim Title IX Coordinator.

2. Notification Requirements of Title IX

DOE Title IX implementing regulations require each recipient of financial assistance to notify all of its students and employees of the name, office address, and telephone number of the individual it has designated as the Title IX coordinator. 10 C.F.R. § 1042.135(a). DOE Title IX implementing regulations also require each recipient of financial assistance to implement specific and continuing steps to notify applicants for admission, students, and employees "that it does not discriminate on the basis of sex in the educational programs or activities that it operates, and that it is required by Title IX and [DOE] Title IX regulations not to discriminate in such a manner." 10 C.F.R. § 1042.140(a)(1). In addition, each recipient is required to prominently include a statement of its nondiscrimination policy on the basis of sex in each announcement, bulletin, catalog, or application form that it makes available to applicants for admission, students, and employees, or which is otherwise used in connection with the recruitment of students or employees. 10 C.F.R. § 1042.140(b)(1).

The University has adopted a policy on equal opportunity, a nondiscrimination statement, and a sexual harassment policy. The University's Policy on Equal Opportunity and Affirmative Action prohibits unlawful discrimination on the basis of sex and other legally protected classes. In its nondiscrimination statement, the University states that it, as an institution, does not discriminate on the basis of sex, and other legally protected classes, "in the administration of its admissions, financial aid, educational or athletic programs, or other University-administered programs"

In its sexual harassment policy, the University states that it regards sexual harassment “as a violation of the standards of conduct required of all persons associated with the institution.” In its original written response to the DOE Data and Document Request, the University indicated that it informs students, faculty, and staff of the requirements of Title IX and of the Title IX complaint process through various methods. The University stated that its equal opportunity policy and nondiscrimination statement is published on its website. The University stated also that periodic assessments and evaluations and reports, such as the Gender Equity Report, are used to inform the University community about the resources available to assist them in addressing questions or concerns related to sex discrimination. The University reported that the AAEOOP publishes a newsletter that contains the University’s nondiscrimination statement, articles about nondiscrimination and harassment prevention, and contact information for the Office. The University indicated that it has published its sexual harassment policy in the *Almanac*, the University’s official publication. In addition, the University stated that its nondiscrimination policies are discussed during orientation sessions for newly-hired staff members and during graduate student orientation. The University stated further that it has a number of resource centers, including the AAEOOP, the Division of Human Resources, the Penn Women’s Center, and the Office of the Provost, that offer training programs on issues related to sex discrimination and sexual harassment.

3. Student and Faculty Awareness of Title IX and the Title IX Coordinator

Many of the graduate PA students who were interviewed stated that they were not familiar with Title IX. In addition, a majority of the students interviewed indicated that they did not know whether the University had a Title IX Coordinator. Similarly, a number of the PA faculty members who were interviewed stated they were not familiar with Title IX. In addition, a majority of the faculty interviewed stated they were not aware that the University had a Title IX Coordinator.

The OCRD review team asked the Chair and the Associate Chair for Graduate Affairs whether the PA Department offers Title IX-related training to its students, faculty, and staff. The Chair and Associate Chair for Graduate Affairs indicated that such training is not offered to PA faculty and staff. However, both the Chair and the Associate Chair for Graduate Affairs indicated that graduate PA students are provided with information about sexual harassment before they begin their assignments as TAs. When the OCRD review team asked the PA faculty members who were interviewed whether they had attended any Title IX-related training, a majority of them, including the Associate Chair for Graduate Affairs, stated they had not attended any Title IX-related training. The Chair of the PA Department, however, indicated that he had attended training regarding the University’s nondiscrimination policies and sexual harassment.

Preliminary Observations Announced During the On-campus Visit

At the conclusion of the on-campus visit, the OCRD staff conducted an exit meeting with University administrators. During the exit meeting, the OCRD made three preliminary

observations and requested that the University submit a plan for addressing the preliminary observations within forty-five days of the exit meeting.¹⁸

The first preliminary observation related to the requirement that each recipient notify all of its students and employees of the name, office address, and telephone number of the individual it has designated as the Title IX coordinator. 10 C.F.R. § 1042.135(a). The OCRD informed the University that many of the students and faculty who were interviewed were not aware that the University had a Title IX Coordinator. Therefore, the OCRD requested that the University identify methods for increasing awareness about the existence of the University's Title IX Coordinator and for informing students and employees of the Title IX Coordinator's name, office address, and telephone number.

The second preliminary observation related to the requirement that the University implement specific and continuing steps for notifying applicants for admission, students, and employees, among others, about Title IX's prohibition against sex discrimination. 10 C.F.R. §§ 1042.140(a)(1), 1042.140(b)(1). The OCRD informed the University that many of the students and faculty who were interviewed were not familiar with Title IX. Therefore, the OCRD requested that the University enhance its methods for notifying students and faculty about Title IX and its prohibition against sex discrimination.

The University submitted an implementation plan addressing the OCRD's preliminary observations. To address the Department's preliminary observations, the University stated that it would take the following actions:

1. Publish an expanded set of remarks from the President, Provost, and Executive Vice Presidents to introduce the 2010-2011 publication of the University's sexual harassment policy that encourages individuals with questions regarding the policy or about sex discrimination to contact one of the resources identified in the policy. The expected date of completion was: September 30, 2010.
2. In Fall 2010, the letter from the Office of the Chair of the Department of Physics and Astronomy to students, faculty, and staff will include information regarding Title IX and the resources available to individuals with questions or concerns about Title IX. In addition, the PA Department will add links on its website to the websites of the AAEP and the Office of the Ombudsman. The PA Department will also publish the website addresses for the AAEP and the Office of the Ombudsman on the public address display in the front lobby of the Physics and Astronomy Building. The expected date of completion was: September 30, 2010.
3. Collaborate with the Division of Human Resources, the Division of the Vice Provost for University Life, and the Office of the Provost to identify additional opportunities to provide information regarding sex discrimination and campus resources that are available to respond to questions and complaints. The expected date of completion is: ongoing; materials to be distributed during the May 2010 employee resource fair.

¹⁸ The first two preliminary observations are discussed in this subsection of the report. The third preliminary observation is discussed in Subsection B "Title IX Complaint Procedures and Processes."

4. Ensure that posters that provide information about the University's equal opportunity and affirmative action policies are placed in strategic locations. The AAEOP will develop a poster to supplement those available from the federal government that identifies contact information for the Executive Director of Affirmative Action and Equal Opportunity (Title IX Coordinator). The expected date of completion was: October 30, 2010.
5. The AAEOP and the Office of the Ombudsman are in the process of upgrading their websites to enable members of the University community (and visitors to the websites) to more easily access information regarding the University's Title IX-related policies and resources. The expected date of completion was: September 30, 2010.
6. The AAEOP will lead an effort to develop a campus-wide diversity website that will include links to policies on equal opportunity, including sex discrimination, as well as University offices that provide information and support, investigate, or otherwise work to resolve complaints and concerns of sex discrimination and other violations of the University's Equal Opportunity and Affirmative Action Policy. The expected date of completion is: June 30, 2011.
7. Publish an article in the AAEOP's newsletter on Title IX and campus resources that are available to respond to questions and complaints. The article will be widely disseminated and will be made available on the AAEOP's website. The expected date of completion was: October 31, 2010.
8. Develop and deliver educational and informational sessions regarding sex discrimination and include such information in existing workshops and discussions, as appropriate, to complement and supplement the programs currently offered on sexual harassment and sexual assault. The expected date of completion is: ongoing; the first sessions are to begin in Fall 2010.

Finding

The Department finds that the University has taken some steps since the on-site visit, and proposes to take additional steps, to better inform students, faculty, and staff about: (1) the existence of the University's Title IX Coordinator; (2) the Title IX Coordinator's name, office address, and telephone number; and (3) Title IX and its prohibition against sex discrimination.

The Department also finds that Title IX training is neither required nor offered by the PA Department to its faculty and staff. In addition, while graduate PA students are provided with information on sexual harassment before they begin their assignments as TAs, it is not clear whether graduate students receive additional information related to sex discrimination or the University's various nondiscrimination policies and procedures, or whether graduate PA students who are not TAs are provided with similar information.

Recommendation

The Department re-emphasizes the recommendation it made in Section II.H. of the report regarding Title IX-related training for students, faculty, and staff of the PA Department. More specifically, the Department recommends that the PA Department require all graduate PA students to participate in a Title IX-related training, through which information about Title IX and the University's sex discrimination and sexual harassment policies is conveyed to the students. The Department also recommends that the PA Department require all PA faculty and staff to participate in a Title IX-related training, so that they might be better informed about the requirements and prohibitions of Title IX, as well as the University's sex discrimination and sexual harassment policies.¹⁹

B. Title IX Complaint Procedures and Processes

DOE Title IX implementing regulations require recipients of financial assistance to adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints related to Title IX. *See* 10 C.F.R. § 1042.135(b). Since Title IX prohibits sex discrimination and sexual harassment, such grievance procedures must provide for the prompt and equitable resolution of sex discrimination and sexual harassment complaints. *See id.*; *see also* CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, TITLE IX LEGAL MANUAL (2001) (stating that Title IX also prohibits sexual harassment, and that this prohibition is derived from Title IX's general prohibition against sex discrimination).

1. Background Information on the University's Title IX-Related Complaint Procedures

The Office of Affirmative Action and Equal Opportunity Programs, in collaboration with the Division of Human Resources and the Office of the Provost, oversees the implementation and administration of the University's equal opportunity, affirmative action, and nondiscrimination policies and programs. Thus, while individuals may pursue informal and/or formal complaints of Title IX-related discrimination and/or harassment through different offices at the University, the AAEOP provides central leadership and support in this regard. In addition, the University's Policy on Equal Opportunity and Affirmative Action directs individuals with questions or complaints of alleged discrimination to contact the Executive Director of the AAEOP.

A graduate PA student who has a Title IX-related complaint, whether informal or formal, may file the complaint through the AAEOP. If a graduate PA student has a Title IX-related complaint against a fellow student, he/she may, as an alternative, file the complaint through the Office of Student Conduct. A graduate PA student may also seek the services of the Office of the Ombudsman, if he/she wishes to attempt to resolve a complaint informally through mediation.

¹⁹ The University has informed the Department that it "periodically reviews, with a view towards strengthening them, its educational and training programs." The University also indicated that its Executive Director of Affirmative Action and Equal Opportunity Programs has been assigned to work with the Office of the Dean of Arts and Sciences, the Office of the Provost, and the Division of Human Resources to identify means to further strengthen the University's education and information dissemination efforts with respect to Title IX.

2. AAEOP: Procedure for Resolving Complaints of Discrimination and Harassment (AAEOP Procedure)

The AAEOP Procedure for resolving Title IX-related complaints of discrimination and harassment, described below, provides both a formal and an informal mechanism for the resolution of harassment, discrimination, and/or retaliation complaints. The formal complaint process includes the filing of a complaint, a preliminary review of the complaint, an investigation of the complaint, and disciplinary action by the respondent's senior administrator (when applicable). Under the informal complaint process, a complainant may seek to resolve a complaint through mediation and other alternative resolution processes.

Information, Counseling, and Support

The AAEOP Procedure identifies various resources that are available to members of the University community who may seek counseling, support, and/or information about the University's nondiscrimination and harassment policies and standards of behavior.

Graduate PA students who may have a need for information, counseling, or support related to the University's nondiscrimination and harassment policies may contact one of the following resource offices for assistance: Office of the Ombudsman, Office of the Vice Provost for University Life, Penn Women's Center, Student Health Services, Counseling and Psychological Services, Special Services Unit (Division of Public Safety), Lesbian Gay Bisexual Transgender Center, African-American Resource Center, or Office of Staff and Labor Relations.

Informal Mechanisms for Mediation and Resolution

The AAEOP Procedure states that the Office of Residential Living, Department Chairs, and Deans and administrative directors, in addition to the resource offices identified above, are available to assist a complainant in the informal resolution of a harassment or discrimination complaint. The procedure states that mediation and other informal mechanisms for resolution are intended to provide a complainant with an alternative to utilizing the formal complaint process. However, if informal resolution of a complaint is unsuccessful, or if a complainant chooses not to pursue an informal resolution of his/her complaint, he/she may utilize the formal complaint process under the AAEOP Procedure.

Filing of a Complaint

The AAEOP Procedure states that a formal complaint must be in writing, signed by the complainant, and submitted within thirty days after the alleged violation, if reasonably possible. In addition, the complaint must include a detailed statement of the known facts out of which the complaint arises, a request for specific relief, and the names and contact information of any witnesses to the incident described in the complaint.

The AAEOP Procedure also states that where a complaint is not timely filed, an investigator may determine that special circumstances exist that excuse the delay and may consider the complaint to be timely filed. In a situation where a student files a complaint against a faculty member alleging harassment or discrimination that occurred in the context of a subordinate-supervisory

academic relationship (e.g., teaching, advising, thesis or dissertation supervision), the time period may be extended until thirty days after the student is no longer under the faculty member's supervision.

A respondent will be notified of the complaint allegations, as well as the identity of the complainant, unless disclosure of the complainant's identity is deemed unnecessary to afford the respondent a fair opportunity to respond to the allegations.

Formal Complaint Process: Initial Consultation, Potential for Mediation/Conciliation

Pursuant to the AAEO Procedure, after receipt of a complaint, an investigator will conduct an initial consultation with the complainant. During this initial stage of the process, the investigator will advise the complainant that voluntary mediation or conciliation of a complaint is available as an alternative means of resolving the complaint. However, in order for mediation or conciliation to occur, both the complainant and the respondent must agree to utilize the alternative process. If both parties agree to utilize an alternative resolution process, the investigator will assign a mediator, and the investigator will suspend the formal complaint procedure for up to sixty days to permit the mediation or conciliation process to take place. The suspension of the formal complaint procedure may be extended beyond the sixty days with the written consent of the complainant and the respondent.

At any time during the mediation or alternative resolution process, the mediator or any of the parties to the complaint may terminate the mediation/alternative resolution process by providing notice to the investigator. Upon receipt of such notice, the investigator will notify the parties of the termination. The investigator will also proceed with a formal investigation of the complaint, if it is deemed warranted.

If the complaint is successfully mediated/resolved, the investigator or mediator will prepare a resolution agreement, describing the terms agreed upon by the complainant and the respondent. In order for the agreement to become effective, it must be signed by both the complainant and the respondent.

Formal Complaint Process: Investigation of Complaint, Findings, Recommended Action

The AAEO Procedure provides that if voluntary mediation/conciliation is refused or fails, the investigator will initiate or re-commence a formal investigation into the allegations raised by the complainant. The investigation will be initiated as soon as possible, consistent with resource availability, and will afford both the complainant and the respondent to be heard.

An investigation may result in one of the following: a finding that the allegations are unwarranted or could not be substantiated; a finding that the allegations have been corroborated; or a negotiated settlement. The investigator will communicate the findings of the investigation to the complainant, respondent, and appropriate University official(s).

If the allegations have been substantiated, the AAEO will recommend corrective or disciplinary action to the appropriate University official. The responsibility for imposing the recommended

corrective or disciplinary action will rest with the senior University official with management responsibility for the respondent.

Pursuant to the AAEO Procedure, sanctions imposed on an individual who has been found in violation of the University's discrimination and/or harassment policies shall be commensurate with the frequency and severity of the conduct and sufficient enough to demonstrate the University's commitment to taking strong and effective measures to both remedy and prevent the conduct.

Appeal Process

Both a complainant and a respondent may appeal any decision related to the resolution of a complaint. An appeal must be made in writing to the Vice President for Institutional Affairs within fifteen days of receipt of the investigator's notice of findings or of the disciplinary decision. The written appeal must state, in detail, the reason(s) for the appeal.

According to the AAEO Procedure, only temporary, interim disciplinary measures may be taken against a respondent during the appeals process.

External Resolution Procedures

The AAEO, through its Procedure for Resolving Complaints of Discrimination and Harassment, informs members of the University community that they may file complaints of discrimination and/or harassment with appropriate federal agencies, including the U.S. Department of Education's Office of Civil Rights, the U.S. Equal Employment Opportunity Commission, and the U.S. Office of Federal Contract Compliance, as well as numerous state agencies.

3. Charter of the Student Disciplinary System

The University's Code of Student Conduct (the Code) identifies rights of student citizenship, including the right to be free from discrimination on the basis of gender. The Code also sets out responsibilities of student citizenship, including the responsibility to refrain from conduct toward other students that infringes upon rights of student citizenship (e.g., the right to be free from discrimination on the basis of gender) and the responsibility to comply with federal laws.

The University's Charter of the Student Disciplinary System (the Charter) sets forth the procedures under which alleged violations of the Code are resolved. Those procedures are described below.

Filing a Complaint

A student, faculty, or staff member who believes that a student has violated the Code or other University rules/policies may file a complaint with the Office of Student Conduct (OSC). The complaint must be in writing. After receiving a complaint, the OSC promptly gives written notice of the complaint and its allegations to the student respondent. A copy of the Charter, as well as a list of potential advisors, is included in the notice to the respondent.

The OSC will promptly evaluate the complaint to determine whether the Code or other University rules/policies have been violated. If the OSC determines that no such violation occurred, it may dismiss the matter without further investigation, or it may refer the parties for mediation. If, however, the OSC determines that a violation of the Code or other University rules/policies may have occurred, it may (1) undertake an investigation, which may lead to the filing of formal charges against a student,²⁰ or (2) refer the matter for mediation.

Resolving a Complaint by Mediation

The University encourages informal mediation whenever practical and appropriate. The OSC may refer any disciplinary matter, other than an alleged violation of the Code of Academic Integrity, to the University Mediation Program (UMP). However, both the complainant and the respondent must agree to participate in mediation of the complaint before a referral may be made. If both parties agree to participate in mediation, the UMP will assign a trained mediator to the case and advise the parties, in advance, of the date, time, and place for the mediation. If the complaint is resolved through mediation, the UMP prepares a mediation agreement setting forth the terms of the agreement. Both the complainant and the respondent must agree to and sign the mediation agreement for it to become effective.

If mediation is in progress, but has not yet proven successful, the OSC may set a date after which it will begin to investigate the complaint and/or file official disciplinary charges against the respondent. If mediation fails, or if new information related to a complaint comes to light, the OSC may proceed with an investigation of the complaint and the official filing of disciplinary charges against the respondent.

Investigation of a Complaint; Official Charge by the OSC Against Respondent

If, after a preliminary evaluation of a complaint, the OSC determines that a violation of the Code or other University rules/policies may have occurred, and if the complaint is inappropriate for mediation or mediation has failed, the OSC will investigate the complaint and determine whether to file official charges of a violation against the respondent.

In the course of an investigation, the OSC may interview any witnesses, including the respondent. Before interviewing a witness, the OSC will inform the witness that anything he/she says during the interview may be introduced as evidence at a hearing.

If the findings of an investigation substantiate the allegations in a complaint, the OSC may file official charges against a student respondent for a violation of the Code or other University rules/policies. The OSC may also add charges beyond the scope of the original complaint if the findings of the investigation warrant additional charges. If the allegations of a complaint are not substantiated, however, the OSC may dismiss the complaint as unfounded.

If the OSC decides to charge a student with a violation of the Code or other University rules/policies, the OSC must inform the respondent of the charges in writing, identifying the

²⁰ Pursuant to the Charter, a complaint against a student is not considered a “charge” against a student. Only the University may “charge” a student with a violation of the Code or other University rules/policies. A charge against a student is generally made by the OSC following an investigation where a complaint has been substantiated.

specific University rules/policies alleged to have been violated. The OSC will inform both the respondent and the complainant as to whether official charges have been filed against the respondent.

Resolving Charges by Voluntary Agreement to Sanctions

After the OSC has notified a student respondent that it is filing charges against him/her, the OSC may discuss with the respondent and his/her advisor the possibility of resolving the matter through voluntary agreement to sanctions. During the discussion, the OSC may propose sanctions it believes are appropriate, given the findings of the investigation and the nature of the alleged offense. A respondent may accept, reject, or propose an alternative to the OSC's proposed sanctions.

A resolution by voluntary agreement to sanctions may be made by written agreement any time after a complaint has been filed and prior to the start of a disciplinary hearing. All sanctions allowed under the Charter are available to the OSC as part of a resolution by voluntary agreement to sanctions. A respondent who agrees to such a resolution waives further proceedings under the Charter.

If a respondent rejects a proposed sanction, or if the OSC believes that a voluntary agreement to sanctions is "not reasonably in prospect," the OSC may bring the matter to a disciplinary hearing.

Resolving Charges by Disciplinary Hearing

If disciplinary charges are not resolved by a voluntary agreement to sanctions, the Disciplinary Hearing Officer (DHO) promptly begins the process of scheduling a disciplinary hearing. The DHO will provide reasonable advance written notice to the complainant, respondent, and witnesses of the date, time, and place of the hearing. The notice will also include the names of the panel members assigned to hear the disciplinary matter.

A hearing will normally take place as soon as possible after the filing of charges. However, upon a showing of good cause by the OSC or the respondent, the DHO may grant a reasonable extension of any time limit set forth in the Charter. In addition, the DHO may expedite a hearing in appropriate circumstances, including disciplinary matters involving students who have been placed on mandatory temporary leave of absence or conditional attendance, graduating students, or students who are about to take a leave of absence.

Before the disciplinary hearing, the OSC and the respondent will provide each other and the DHO copies of all exhibits to be presented, the names of witnesses to be called, and a brief summary of the substance of testimony expected to be presented at the hearing. When the DHO believes that it will contribute to the expedition and fairness of a hearing, he/she may ask the OSC to prepare a written statement of its case against the respondent and provide the respondent a reasonable opportunity to prepare a written response. The OSC and respondent may also submit statements on their own initiative. The hearing panel may consider such statements and any accompanying exhibits alongside the testimony, arguments, and evidence presented at the actual hearing.

The DHO presides over all hearings and decides all questions about the admissibility of evidence and the conduct of hearings. While the DHO may be present for the hearing panel's discussions to answer procedural questions, the DHO does not deliberate or vote with the panel regarding its findings or its recommendation of sanctions.

Disciplinary hearings are held in private unless the respondent and complainant agree in writing to an open hearing. If a respondent fails to appear for a hearing, the hearing may proceed in his/her absence upon a showing that the required hearing notice was provided to the respondent.

At the hearing, the OSC presents the results of its investigation of the complaint, calls witnesses to testify, and presents the University's evidence against the respondent. A respondent is responsible for presenting his/her own case before the hearing panel and may call witnesses to testify. At the discretion of the DHO, a respondent's advisor may be permitted to question witnesses on behalf of the respondent or to address the hearing panel. A complainant may attend a hearing, testify at the hearing, and be accompanied by an advisor at the hearing. However, neither a complainant nor his/her advisor is permitted to call witnesses or present evidence or arguments at a hearing. Members of the hearing panel are permitted to call witnesses to testify and may question any witnesses appearing before it.

At the conclusion of the hearing, the OSC and the respondent, or his/her advisor, may make brief statements. At the discretion of the DHO, the complainant, or his/her advisor, may also be permitted to make a brief statement. The time allowed for such statements will be determined by the DHO.

Following the hearing, the members of the hearing panel meet in private to discuss their findings, which consist of two parts: (1) a determination as to whether the respondent is responsible for any violation; and (2) if so, a recommendation of sanction(s). The hearing panel will promptly transmit its decision in writing to the DHO, the OSC, the respondent, and the Provost as soon as possible after the end of the hearing. If the hearing panel determines that the respondent is not responsible for a violation, no sanction may be recommended against the respondent, and the respondent may not be subject to further proceedings under the Charter on the same charge(s). If the hearing panel finds that a student is responsible for a violation of the Code or other University rules/policies, it will recommend to the Provost appropriate sanctions. Only the Provost, or his/her designee, may actually impose a sanction on a student. The Provost, or his/her designee, will not impose a sanction until after any appeal of the hearing panel's decision has been decided by the Disciplinary Appellate Officer (DAO).

Appeal Process

The DAO has exclusive jurisdiction to decide appeals. Only a respondent may appeal the hearing panel's findings of responsibility, except where applicable laws or regulations may extend this right to a complainant. Both a respondent and the OSC may appeal the hearing panel's recommendation of sanction(s). An appellant must submit any appeal to the DAO in writing within ten days after the hearing panel has issued its decision. The appeal must state in detail the specific grounds upon which it is based and must be sent to the OSC or respondent, as appropriate.

When an appeal is received, the OSC provides the DAO with a copy of the respondent's charge letter, a copy of the hearing panel's findings, a verbatim transcript or tape recording of the disciplinary hearing, and any exhibits considered by the panel. The respondent and the OSC have ten days from the date of the appeal to submit to the DAO a written response to the appeal.

Appellate review is limited to allegations of material and prejudicial error in the conduct of the hearing, error in the interpretation or application of relevant University regulations, consideration of new evidence sufficient to alter the hearing panel's findings, or severity of recommended sanction(s). If the DAO finds sufficient basis, he/she may reverse or modify the hearing panel's findings or proposed sanction(s), or may remand the matter for further investigation by the OSC or for a new hearing before a new hearing panel. However, the DAO may not recommend a more severe sanction(s) unless the OSC has appealed the sanction(s) recommended by the hearing panel. After considering an appeal, the DAO will promptly issue his/her decision in writing and will provide copies to the OSC, the DHO, the Provost, and the respondent.

4. Office of the Ombudsman

The Office of the Ombudsman (OO) acts as an impartial mediator to resolve complaints raised by students, faculty, and staff, including Title IX-related complaints of sex discrimination and sexual harassment. The OO is staffed by the University Ombudsman, who is a tenured faculty member assigned to work part-time in the office, and an Associate Ombudsman, who works full-time in the office.

Initial complaints brought to the attention of the OO are heard confidentially. Action is taken by the OO only when a complainant asks the OO to proceed on his/her behalf. If a complainant asks the OO to proceed on his/her behalf, the OO will approach the person complained of, discuss the nature of the complaint with that individual, and give him/her the opportunity to respond. The OO then works to find solutions to the complaint that are acceptable to both the complainant and the respondent.

The OO supplements, but does not replace, any existing grievance mechanisms or modes of redress. The OO does not have the authority to investigate a complaint, to make findings, or to impose sanctions.

5. Title IX-Related Concerns/Complaints

A majority of the graduate PA students who were interviewed stated they had never filed a discrimination complaint at the University of Pennsylvania. In addition, a majority of the graduate PA students stated they had never experienced or observed harassment or gender bias in the PA Department. A female graduate PA student stated that in labs, men are "overly sensitive to the issue of gender." She noted that advisors are also sensitive to the issue of gender. However, several students reported incidents of potential harassment or gender bias that had allegedly occurred in the PA Department. As noted in Section II.H.1. of the report, a female graduate PA student reported that she had dropped a course based on the actions of a professor, which she stated were attributable to either a faint gender bias or a personality conflict. Another female graduate PA student reported that her first advisor in the program, a male faculty member, was not an effective advisor. She stated that she and the professor had a personality

conflict, and she was not sure if gender was a factor in the situation. A female graduate PA student reported that in approximately 2006, male graduate PA students had displayed posters of “scantily clothed women” in a room commonly used by first-year graduate PA students. She stated that the posters were removed after a faculty member asked the students to remove them. Another female graduate PA student stated that a student in her cohort class had made “obnoxious comments about gender,” but that the comments did not affect her; she stated the comments were not egregious enough to formally report them. A male graduate PA student stated that he has had “one or two [female] classmates complain that they weren’t treated fairly” because of their gender. He stated further that one of the students “felt that professors and classmates did not consider her capable.”

In response to a question about experiencing or observing gender bias or harassment within the PA Department, a female graduate PA student expressed a concern about the existence of men’s urinals in at least one of the women’s restrooms in the David Rittenhouse Laboratory (DRL) building, which houses the PA Department. Based on this concern, an OCRD review team member toured some of the women’s restroom facilities in the DRL building and confirmed that one of the women’s restrooms, in fact, contained men’s urinals.

The OCRD review team also asked PA faculty members whether they were aware of any graduate PA students who had filed a discrimination complaint. A majority of the PA faculty members who were interviewed stated they were not aware of any graduate PA students who had filed a discrimination complaint. When the OCRD review team asked faculty members whether gender issues had ever arisen in their dealings with students, in their role as a professor or advisor, many faculty members responded by saying, “no.” One faculty member reported that he was familiar with a gender-related issue that had arisen between students, but that it was resolved informally. The Associate Chair for Graduate Affairs indicated that he had addressed an alleged incident of sexual harassment involving a male graduate PA student.

Since the on-site visit, the University’s Vice President for Institutional Affairs has reported two alleged incidents of sex discrimination/harassment that occurred in the PA Department. One of the alleged incidents involved a male staff member and the other alleged incident involved a male faculty member. The University has informed the Department that it has taken appropriate steps to respond to each of the allegations.

6. Student and Faculty Awareness of Title IX-Related Grievance Procedures

Many of the graduate PA students who were interviewed were unfamiliar with the procedures for filing a discrimination complaint, and did not know where specifically to go to file a discrimination complaint. Some of the students stated they would consult an advisor, the Chair or Associate Chair for Graduate Affairs, or on-line resources for guidance on how and where to file a discrimination complaint if they had a need to do so.

A majority of the PA faculty members who were interviewed indicated that they were not familiar with the procedures for filing a discrimination complaint. Some faculty members stated that they would contact the Chair, the Associate Chair for Graduate Affairs, or the Ombudsman to learn about the University’s complaint procedures, if the need arose.

Preliminary Observation Announced During the On-campus Visit

As noted above, the OCRD made three preliminary observations, which were discussed at the exit meeting. The first two preliminary observations were discussed above in Subsection A. The third preliminary observation relates to the requirement that the University adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints related to Title IX. *See* 10 C.F.R. § 1042.135(b). The OCRD informed the University that many of the students and faculty who were interviewed were not aware of the procedures for filing a Title IX-related complaint or where to file such a complaint. Therefore, the OCRD requested that the University identify methods for increasing awareness among students and employees about the University's Title IX-related grievance procedures and about where such complaints may be filed.

The activities proposed by the University in its implementation plan, which were identified above in Subsection A, will also serve to raise awareness among students and employees about the University's Title IX related complaint procedures, including where such complaints may be filed.

Finding

The Department finds that the University has taken some steps since the on-site visit, and proposes to take additional steps, to better inform students, faculty, and staff about the University's Title IX-related complaint procedures and about where such complaints may be filed.

Title IX-Related Concerns/Complaints

During the on-site visit, several students reported incidents of potential harassment or gender bias/discrimination that had allegedly occurred in the PA Department. In two of the alleged matters, female graduate PA students reported conflicts with faculty members. Although the students could not say definitively whether gender was a factor in their conflicts, they raised the issue as a possibility to the OCRD review team. The remaining incidents of potential harassment or gender bias/discrimination identified above and reported by graduate PA students specifically involved the issue of gender.

In addition to the reports made by students, one faculty member reported a gender-related matter that was resolved informally among students, and the Associate Chair for Graduate Affairs reported a matter involving an alleged incident of sexual harassment by a male graduate PA student.

Since the on-site visit, the Vice President for Institutional Affairs has also reported two alleged incidents of sex discrimination/harassment that occurred in the PA Department—one involving a male staff member and one involving a male faculty member.

With respect to the concern expressed by a female graduate PA student regarding the women's restrooms in the DRL building, the Department finds that at least one of the women's restrooms in the DRL building contained men's urinals. Based on this finding, the Department has

requested that the University evaluate the restroom facilities in the DRL building to identify whether any other women's restrooms contain men's urinals.

AAEOP: Procedure for Resolving Complaints of Discrimination and Harassment

The Department finds that the University's proposed policy provides for the equitable resolution of Title IX-related complaints, in that it provides for: (1) relief for a complainant who has a Title IX-related complaint; (2) a respondent to have an opportunity to respond to the allegations in a complaint; and (3) the impartial investigation of Title IX-related complaints. With respect to the requirement that Title IX complaint procedures provide for the prompt resolution of complaints, however, the Department finds that the proposed policy does not set out definite time limits for completing various stages of the complaint process.

Charter of the Student Disciplinary System

The Department finds that the Charter provides for the equitable resolution of Title IX-related complaints, in that it provides for: (1) relief for a complainant who has a Title IX-related complaint; (2) a respondent to have an opportunity to respond to the allegations in a complaint; (3) an impartial investigation of a complaint; and (4) an impartial disciplinary hearing. With respect to the requirement that Title IX complaint procedures provide for the prompt resolution of complaints, however, the Department finds that the Charter does not set out definite time limits for completing various stages of the complaint process.

Recommendation

Title IX-Related Concerns/Complaints

Based on the number of Title IX-related allegations reported during the on-site visit and following the on-site visit, the Department reiterates the recommendation it made in Sections II.H. and III.A. of the report—namely, that the University ensure that students, faculty, and staff in the PA Department attend Title IX-related training, so that they might be better informed about the University's sex discrimination and sexual harassment policies, as well as the University's Title IX-related grievance procedures.

With respect to the concern raised about the women's restroom(s), the Department recommends that the University examine the women's restrooms within the DRL building to determine whether any other women's restrooms contain men's urinals. The Department further recommends that the University remove all urinals located within women's restrooms in the DRL building.²¹

²¹ Since the on-site visit, the University has informed the Department that a University official has toured the men's and women's restrooms within the DRL building. The University reported that only one of the women's restrooms within the DRL building contained men's urinals. The University also reported that the women's restroom in question would be renovated and that the urinals in the restroom would be removed. The University noted further that the School of Arts and Sciences is in the process of renovating a number of restrooms within the School to make them more family friendly.

AAEOP: Procedure for Resolving Complaints of Discrimination and Harassment

As noted previously, Title IX regulations require that complaint procedures provide for the prompt and equitable resolution of student and employee complaints related to Title IX. *See* 10 C.F.R. § 1042.135(b). To help ensure that the AAEOP complaint resolution process is prompt, the Department recommends that the University establish reasonable time limits for each stage of the AAEOP complaint resolution process.

The Charter

As noted above, Title IX regulations require that complaint procedures provide for the prompt and equitable resolution of student and employee complaints related to Title IX. *See id.* To help ensure that the complaint resolution process under the Charter is prompt, the Department recommends that the University establish reasonable time limits for each stage of the Charter complaint resolution process.

IV. Conclusion

The Department finds that the following areas/practices comply with the nondiscrimination provisions of Title IX and DOE Title IX implementing regulations: (1) the outreach and recruitment efforts of the PA Department and the Graduate Division of the School of Arts and Sciences related to recruiting prospective graduate PA students; (2) the admissions process for applicants to the PA Department's doctoral program; (3) the leave of absence and re-enrollment policies for graduate PA students; (4) the PA Department's selection process for TAs and RFs; (5) the PA Department's process for awarding recruitment incentives; (6) the PA Department's nomination and selection process for achievement awards; and (7) the PA Department's administration of examinations and the dissertation approval process for PhD students. The Department also finds that the University has satisfied the requirement under Title IX and DOE Title IX implementing regulations that it designate a Title IX Coordinator. The Department commends the University for its compliance with Title IX and DOE Title IX implementing regulations in these areas/practices.

The Department recognizes that the University has taken some steps and proposes to take additional steps to notify students and employees of: (1) Title IX and its prohibition against sex discrimination; (2) the University's Title IX-related complaint procedures and where such complaints may be filed; and (3) the name, office address, and telephone number of the University's Title IX Coordinator. The Department commends the University for its efforts in this regard.

The Department recognizes further that the University has adopted and published Title IX-related grievance procedures. As noted above, the Department finds that the AAEOP Procedure provides for the equitable resolution of Title IX-related complaints. However, the Department recommends that the University modify the AAEOP Procedure to include reasonable time limits for completing the various stages of the complaint process to help ensure that the AAEOP complaint resolution process is prompt. The Department also finds that the Charter provides for the equitable resolution of Title IX-related complaints. However, the Department recommends that the University modify the Charter to include reasonable time limits for completing the

various stages of the complaint process to help ensure that the complaint resolution process under the Charter is prompt.

The Department has made additional recommendations to the University, which are more fully set out above, regarding the following: (1) campus safety; and (2) Title IX-related training for PA Department graduate students, faculty, and staff.

The Department has also identified the University's policies related to time off for childbirth or adoption and family medical leave to be promising practices. The policies allow male and female graduate PA students to address personal family needs and to balance those needs with their academic careers.