

Summary Report of External Title VI Review: Non-Discrimination Practices & Speech Policies

SCOPE OF THE ENGAGEMENT

Drexel University engaged Cozen O'Connor to 1) review the University's non-discrimination policies, procedures and practices in response to reports of discrimination and harassment under Title VI (Non-Discrimination Practices) to ensure that the University's efforts to foster a welcoming and inclusive community are appropriately supported; and 2) review the University's free speech policies (Speech Policies) – and their intersection with the Non-Discrimination Practices – with the goal to protect academic freedom and freedom of expression while ensuring the safety and well-being of students, faculty, and professional staff.

Drexel sought a comprehensive, candid, and unflinching assessment of the effectiveness of the University's implementation in each area. The External Review evaluated compliance with the legal and regulatory framework, impacts on access to or participation in the University's educational programs and activities, and the effectiveness of the University's institutional response, communications and implementation, and makes recommendations to strengthen each area in support of Drexel's institutional values and mission.

The External Review included multiple phases: review of written policies and communications; review of reports of Title VI

discrimination and harassment; interviews with implementers and administrators; and robust opportunities for community engagement.

COMMUNITY ENGAGEMENT

To ensure representational engagement, the External Review process incorporated the perspectives of students, faculty, staff, administrators, and trustees through three committees.

A Senior Leadership Operations Team oversaw the efforts of the External Review, and reviewed findings and recommendations from the Advisory Group and Community Engagement Committee to assess appropriate and available methods for implementation. These committees met from July through February 2024.

The charge of the Advisory Group – comprising faculty, administration, trustees, and professional staff – included benchmarking the University's policies and procedures against peer institutions; soliciting broad community input; and charting next steps to ensure that the results of the External Review reflected the input and collective brainpower of the Drexel community. The Advisory Group reviewed data gathered by Cozen O'Connor and the Community Engagement Committee and shared observations and feedback.

The Community Engagement Committee included faculty,

professional staff, and student representatives. This committee provided critical insight and perspective to the Advisory Group. Committee members served both as ambassadors to the broader community and liaisons to share specific suggestions or concerns.

The External Review also considered the results of the Higher Education Data Sharing Consortium (HEDS) Diversity and Equity Campus Climate Survey conducted in Spring 2024. While participation rates in the HEDS survey were low, survey respondents described both systemic and social barriers to reporting and distrust in the University's systems, which were consistent with the findings of the External Review.

To ensure robust opportunities for faculty engagement, Cozen O'Connor met with interested Law School faculty and with the Faculty Senate Steering Committee. Faculty with whom we met emphasized the importance of adhering to shared governance processes for policy development and expressed feelings of disenfranchisement.

In addition, Drexel retained The Healy+ Group, a third-party facilitator, to conduct focus groups with members of the community. Focus groups were asked a fixed set of questions related to general perceptions and experiences; sense of safety and belonging; awareness and resources; safety; constituency-specific questions for students related to comfort discussing

controversial topics in class, representation, and psychological safety; and constituency-specific questions for faculty and staff related to students feeling safe in the classroom and tools or resources that may help them. The questions also included specific inquiries related to the participants' experiences with antisemitism.

Fourteen focus groups were held, including 163 participants, as follows: Jewish student groups; staff and faculty Colleague Resource Groups; Graduate Student Association; Lindy Center; Faculty Senate Steering Committee; graduate students; Residence Life Team members; staff; students; faculty; Muslim Student Association; USGA; and the Office of Institutional Equity and Inclusive Excellence (EIC) Compliance Team. In addition, The Healy+ Group distributed an anonymous survey, which received 269 responses.

The top themes that emerged from the focus groups and anonymous survey include:

Jewish, Muslim, International Students Feeling Vulnerable.

Jewish students expressed feelings of vulnerability following incidents of vandalism and harassment targeting their communities, and survey respondents indicated that responses to these incidents had been slow or inconsistent. Muslim and Arab students described being subjected to stereotyping and the impacts of implicit bias. International students noted challenges integrating into the

Drexel community, citing cultural isolation and limited institutional support. Survey respondents also expressed concern about rising antisemitism and perceived lack of institutional response to harassment and vandalism.

Psychological Safety. Faculty and students felt fear of retaliation and social stigma when expressing dissenting or politically sensitive views. Faculty expressed concern about student pushback or administrative scrutiny when addressing controversial topics in class. Survey respondents indicated that they were self-censoring their views, and forty percent (40%) reported feeling “unsafe” discussing controversial topics on campus.

Desire for Constructive Discussion. Focus group participants requested designated safe spaces where marginalized students and faculty could openly discuss their experiences and concerns without fear of judgment or reprisal. Faculty respondents indicated that they feared backlash for facilitating discussions on controversial topics, but wanted opportunities for open and respectful discourse in classrooms.

Lack of Awareness of Reporting Channels. Twenty-eight percent (28%) of survey respondents said they did not know where to report Title VI-related incidents.

Barriers to Reporting. Focus group participants described barriers to reporting, including

fear of retaliation, lack of clarity in policies and procedures, inconsistent or missing follow-up from EIC, and lack of awareness. Survey respondents described feeling as though the incidents they reported would not be taken seriously, and felt the process would be time consuming and re-traumatizing.

Lack of Trust in Reporting Channels. Focus groups and survey respondents indicated that they had little to no confidence in the University's response to bias and discrimination complaints, which arose from lack of transparency, ineffective processes and flawed structure, lack of follow through, and delays in resolution.

OCR TITLE VI INVESTIGATION

During the External Review, the University navigated an external regulatory investigation. In December 2023, the U.S. Department of Education, Office for Civil Rights (OCR) opened an investigation into the University's compliance with Title VI related to discrimination and harassment on the basis of national origin (specifically, shared Jewish ancestry). On August 2, 2024, OCR and the University reached a voluntary resolution, which included the release of a Resolution Letter summarizing OCR's “compliance concerns” and a Voluntary Resolution Agreement requiring the University to complete designated action items.

OCR reviewed documentation of 36 reports of harassment on the basis of shared Jewish ancestry (October 2022 through January 2024) received by EIC. OCR highlighted the University's longstanding commitment to fostering a safe environment for students of all religions and national origins, but also expressed a concern regarding the University's response to reported incidents of discrimination or harassment on the basis of shared ancestry, stating that "the University generally failed to fulfill its obligations to assess whether the incidents of shared ancestry discrimination and harassment reported to it created a hostile environment, and where the University did conduct this assessment, it misapplied the legal standard." Further, OCR expressed a concern that "the University appears not to have taken prompt and effective steps reasonably calculated to end the hostile environment and prevent it from recurring."

OCR concluded, "Specifically for the past 18 months, the University had repeated notice of a growing, pervasive hostile environment, and yet, in response to almost all of the incidents reported to it, the University's actions were limited to addressing each incident on an individual basis, instead of responding to the accumulation of evidence of a hostile environment that necessitated more effective responsive action."

The Voluntary Resolution Agreement required the University to take action in the following categories:

- I. Review policies and procedures to more clearly incorporate provisions related to shared ancestry or ethnic characteristics
- II. Continue to provide annual training to investigators
- III. Provide training for all students and employees about discrimination based on race, color and national origin
- IV. Conduct a climate assessment for students and staff to evaluate climate and incidence rate
- V. Review all prior reports (2022-23 and 2023-24) and share all new reports with OCR for two years (2024-25 and 2025-26)

To date, the University has provided submissions to OCR in each of the required areas, and has received one monitoring report from OCR (dated December 19, 2024). Notably, OCR approved the University's revised [Policy on Prohibited Discrimination, Harassment, and Retaliation](#) (CR-1), which was implemented on February 3, 2025.

BENCHMARKING OF POLICIES

As part of the External Review, Cozen O'Connor benchmarked the University's Non-Discrimination and Speech Policies against those of 64 peer institutions.

Cozen O'Connor reviewed Title VI policy approaches to determine whether peer institutions have a

Title VI policy, whether the Title VI policy is standalone or combined with a Title IX policy, to whom Title VI policies apply, which campus office administers the Title VI policy, whether the Title VI policy includes resolution procedures, whether the Title VI policy defines hostile environment, and whether the Title VI policy contains free speech protections. Cozen O'Connor also compared whether peer institutions have a free speech and expression and/or academic freedom policy or statement, and whether any policy utilizes the American Association of University Professors' (AAUP) academic freedom model. In addition, Cozen O'Connor reviewed restrictions on time, place, and manner to determine whether peer institutions have a dedicated policy or provision within a policy that imposes time, place, and manner restrictions on demonstrations; whether there are common types of time, place, and manner restrictions; and whether the policies permit members of the public to protest or demonstrate. Further, Cozen O'Connor reviewed approaches with respect to institutional statements and whether peer institutions have embraced institutional neutrality or institutional restraint.

Cozen O'Connor also reviewed social media policies, including whether peer institutions have a social media policy that governs behaviors that trigger the Title VI policy, whether such policies include a disciplinary response to violations, and whether such policies govern personal posts or

posts related to the institution.

Title VI Policies. Ninety-eight percent (98%) of peers have a Title VI policy; twenty-five percent (25%) of those combine their Title VI and Title IX policies. Seventy percent (70%) of Title VI policies include resolution procedures. Notably, only twenty-eight percent (28%) of peer institutions' Title VI policies define a hostile environment on the basis of race, color, or national origin (including shared ancestry and/or ethnic characteristics).

Peer institutions varied in the applicability of their Title VI policies. While nearly all peer institutions had Title VI policies which applied to students (94%), fewer applied these policies to the actions of faculty and staff (85%), and even fewer applied those policies to the actions of third parties or non-affiliates (58%).

With respect to implementation of Title VI policies, there is no clear consensus regarding which office administers these policies, with some peer institutions having centralized approaches, and others having siloed approaches based on constituency (student, staff, and faculty).

Speech Policies. The benchmarking exercise reflected that there is no uniform approach by which peer institutions implement protected speech and academic freedom policies.

Over half (57%) of peer institutions' Title VI policies include explicit protections for

speech. Seventy-nine percent (79%) of peers have an academic freedom policy or statement. Of those institutions, only thirty-seven percent (37%) use the AAUP academic freedom model. Sixty-five percent (65%) of peer institutions have published a freedom of expression policy or statement. As it relates to time, place and manner restrictions, outside of provisions prohibiting interference with ordinary operations of the institution, which appear in the majority of peer institutions' policies, there is no consensus in approach to limitations on time, place, and manner of demonstration or activism.

Twenty-four percent (24%) of peer institutions limit institutional statements (via either an institutional restraint or institutional neutrality policy), with those institutions slightly favoring institutional neutrality over institutional restraint. While the vast majority of the seventy-six percent (76%) of peer institutions without a policy on neutrality or restraint are silent as to institutional statements, one institution outright rejects the concept, reserving the right to make such statements as desired.

FINDINGS AND DELIVERABLES

Cozen O'Connor was asked to provide an assessment of the University's model against effective practices and current legal standards and guidance; recommendations for changes to bring the model in line with

effective practices; and a description of resources required to effectively implement a legally-compliant Title VI program.

In reaching its findings and recommendations, Cozen O'Connor considered legal compliance, community stakeholder engagement, and education and training. The recommendations also considered effective institutional responses that incorporate a nuanced and practical understanding of the regulatory framework.

This document provides a summary of findings and observations to date, as well as core recommendations.

NON-DISCRIMINATION PRACTICES

The University maintains a centralized response to reports of discrimination and harassment based on protected characteristics through EIC, as guided by the Policy on Prohibited Discrimination, Retaliation, and Harassment (CR-1) and the Sexual Harassment and Sexual Misconduct Policy (CR-2). As it relates to Title VI, EIC responds to reports related to students, staff, faculty, and third parties by conducting a preliminary inquiry, offering outreach and supportive measures, and, as appropriate, conducting investigations of prohibited conduct. EIC also leads prevention, education, and training initiatives related to the University's civil rights responsibilities. EIC's equity functions are broad-ranging and

require autonomy and authority to ensure that all compliance functions are carried out with fidelity – and that those functions are thoroughly and effectively documented.

EIC has been impacted by significant transition in leadership and staffing level during the 2022-23 and 2023-24 academic years, which was reflected in our review of case files and the compliance concerns identified by OCR. In addition, EIC is understaffed given the volume of reports received related to Title VI, Title IX, and related concerns. These resource constraints were exacerbated by the transition in leadership and personnel and together contributed to delays in responsiveness, gaps in subject matter expertise, insufficient (and potentially non-compliant) institutional responses, and timeliness concerns.

In addition, EIC's structure, which comprises both 1) the legally required neutral and impartial response to reports of discrimination and harassment under Title VI and related civil rights laws, and 2) the University's proactive efforts regarding equity, diversity, inclusivity, and belonging, as implemented, significantly impedes the University's ability to effectively carry out its Title VI compliance obligations. While we have observed significant improvements in internal EIC functioning since the appointment of the current AVP and Title IX and Equal Opportunity Coordinator in March 2024, the integration of the inclusive culture

staff with the compliance staff in the current EIC model has been a barrier to the optimal, effective functioning of the compliance function.

We continue to observe a need for greater coordination and collaboration by and between University partners to ensure that all reports of discrimination and harassment based on protected characteristics are routed centrally to EIC and addressed by the compliance team in accordance with the legal and regulatory framework. This will ensure that EIC is able to conduct the required hostile environment assessment, which must be based on the totality of the circumstances, including an aggregation of *all* reports received across the University. To ensure this centralization, additional training and reporting infrastructure is necessary for all University community members to ensure that they fully understand and integrate reporting options, and for employees, reporting obligations.

Our core recommendations with respect to the University's Non-Discrimination Practices include:

1 Restructure EIC to decouple civil rights compliance obligations from proactive diversity functions and ensure appropriate reporting lines for each new entity.

Continue to enhance the University's Title VI program by implementing

specific recommendations related to policy and procedures; internal operating functions and protocols (related to intake, supportive measures, initial **2** assessment, investigations, resolutions, and individual and community remedies); timeliness; reliable and accessible documentation; coordination of personnel and information; oversight and supervision; coordinated compliance; communication; and resources.

Expand training and education for all campus community members to prevent discriminatory or harassing conduct, increase recognition of such conduct, enhance efforts to promote awareness of reporting options and obligations, and reinforce the University's pan-institutional commitment to **3** foster an inclusive community free from discrimination and harassment. This training and education should be supplemented with clearly accessible information about Title VI policies, including through web content and digestible practice aids.

SPEECH POLICIES

The University does not currently maintain stand-alone policies with respect to academic freedom, freedom of expression, or time,

place and manner restrictions for campus protests or demonstrations. Instead, these critical concepts are communicated by an Academic Freedom statement and in content found within CR-1, the University Code of Conduct, and Student Code of Conduct, as aggregated in the Activism: 2024 Guidelines and University Values (Activism Guidelines) described below.

As part of the External Review, in August 2024, with the input of the External Review committees, the University, in consultation with Cozen O'Connor, created Activism Guidelines, which were designed to aggregate information related to free speech, campus protests, and demonstrations and to affirmatively state University values. The goal of the Activism Guidelines, which are intended to be iterative in nature, was to provide easily accessible and understandable information for campus community members to guide and inform choices about campus engagement.

In addition, the External Review committees considered and supported adopting a position of institutional restraint for University communications (in which the University makes political statements only where necessary to address the direct impact of political issues on the University).

As it relates to ongoing policy work at the University, we understand that the Faculty Senate has drafted a proposed Academic Freedom policy that has not been implemented to date. We

also understand that under the American Bar Association (ABA) Standard 208 (Academic Freedom and Freedom of Expression), the Law School is required to “adopt, publish, and adhere to written policies that protect academic freedom” and “encourage and support the free expression of ideas.”

As identified in the benchmarking, sixty-five percent (65%) of peer institutions have published a free expression policy or statement. The University has an Academic Freedom statement, but no policy or broader statement on free expression. We understand that issues of academic freedom and freedom of expression are of utmost importance to faculty members with whom we engaged through the Law School and the Faculty Senate, and that greater clarity attendant to rights and responsibilities would provide greater confidence.

Our core commendations with respect to the University’s Speech Policies include:

1 Using the University’s Policy Compliance Process (DU-1), review the Activism Guidelines, relevant content in existing policies, the proposed Academic Freedom policy, and the new ABA Standard to develop a University wide stand-alone written policy addressing academic freedom and the free expression of ideas. Build out consistent time, place, and manner restrictions in

student and staff conduct policies. Cross reference the new policy with all time, place, and manner restrictions in student, faculty, and employee policies, as well as with all discrimination and harassment policies. Provide examples and scenarios of the intersections of these related rights and responsibilities.

2 Consistent with the provisions of the new policy, engage in campus-wide education and training initiatives to promote the free expression of ideas in a manner that addresses free expression rights and responsibilities, incorporates an understanding of hate speech, and discusses the intersection of speech considerations with the University’s revised Policy on Prohibited Discrimination, Harassment, and Retaliation (CR-1), which replaces the former policy.

3 Commit to including, as an essential element of orientation and onboarding programs, as well as professional development opportunities for Drexel students, staff, and faculty, information about how to develop tools for constructive dialogue and effective communication related to difficult and complex topics.