

Susquehanna University
Title IX, Bias, Harassment, and Discrimination Policy
Effective: August 1, 2024

Policy Summary

Susquehanna University prohibits bias, harassment, and discrimination based on any protected category under applicable federal, state, and/or local laws.

This Policy Applies to:

- Board
- Campus Visitors
- Faculty
- Independent Contractors
- Other _____
- Staff
- Students
- Vendors

1. INTRODUCTION

- a. **Statement of Nondiscrimination:** Susquehanna University [“the University”] does not discriminate and prohibits discrimination against individuals based on any category protected under applicable federal, state, or local laws. Accordingly, the University does not discriminate, and strictly prohibits unlawful discrimination on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, social class, or any other category or characteristic protected by applicable law.
 - i. When brought to the attention of the University, any such discrimination will be appropriately addressed by the University according to the procedures below.
- b. **Title IX of the Education Amendments of 1972:** The University does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities on the basis of sex. As a recipient of federal financial assistance for

education activities, the University is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or related conditions.

- i. The University has obligations under Title IX to provide certain supports and modifications to people experiencing pregnancy or related conditions, in order to ensure their equal access to the University's program or activity. For example, the University must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence.
 1. Students, employees, or applicants should contact the Title IX Coordinator or Deputy Title IX Coordinator for more information. Employees or applicants may also contact the Office of Human Resources for more information, because additional workplace laws and policies apply.
 - ii. Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
 - iii. The University also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process, whether internal or external to the institution. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by the University policy.
- c. Application of Section 504/Americans with Disabilities Act:** In both practice and policy, the University adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. The University is committed to providing individuals with disabilities equal access and opportunity and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of the University life.
- i. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator/designee at any point relating to the implementation of this policy, including making a disclosure or report, and initiating a grievance procedure.

- ii. With the consent of the impacted student or employee, the Title IX Coordinator/designee will work collaboratively with the appropriate offices for students and/or employee accommodations to ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this policy.
 - iii. Accommodations will be granted if they are reasonable and do not fundamentally alter the process. The Title IX Coordinator/designee will not affirmatively provide disability accommodation that has not been specifically requested by the parties, even where the parties may be receiving accommodations in other the University programs and activities.

- d. **Purpose of Policy:** This policy identifies and defines conduct prohibited under this policy, the procedures for reporting harassment and discrimination, and the process that will be used to respond to allegations of Prohibited Conduct. The University will act on all notices of allegations of discrimination, harassment, or retaliation. It will take appropriate measures to end conduct that is in violation of this policy, prevent its recurrence, and remedy its effect on individuals and the community. Within any process related to this policy, the University provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, when that accommodation is consistent with state and federal law.
 - i. Situations involving other conduct that may be in violation of other University student or employee conduct policies should be reported to Student Life for matters involving students, or Human Resources for matters involving faculty or staff.

- e. **Policy Application:** This policy applies to the entire University community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in or attempting to participate in the University-sponsored activities. This policy may also pertain to instances in which the conduct occurred outside of the campus or the University-sponsored activity if the University determines that the off-campus conduct affects a substantial University interest, including access to the educational program or activity, safety and security, compliance with applicable law, and meeting its educational mission. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational or employment opportunities and/or benefits of any member of the

University community on the basis of a protected identity is in violation of this policy.

- i. Members of the University community are expected to provide truthful information in any report, meeting, or proceeding under this policy.
- ii. Any respondent who is not a University student or employee is generally considered a third party. The University's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to the University. When appropriate, the Title IX Coordinator/designee will refer such allegations against third-party respondents to the appropriate office.
- iii. The status of a party may impact which resources and remedies are available to them, as described in this policy.

f. **Prohibited Behaviors:** This policy prohibits Bias, Discrimination, Discriminatory Harassment, Sex-Based Harassment, and Retaliation as defined below. These acts shall also be referred to as *Prohibited Conduct* under this policy.

- i. **Bias:** Bias is a broad category of behaviors which can include discrimination, harassment, and other actions that demean or intimidate individuals or groups because of personal characteristics, beliefs, or expression.
 1. Acts of bias may include, but are not limited to:
 - a. Graffiti (e.g., swastikas and other offensive words or pictures)
 - b. Anonymous email or internet posts containing ethnic or racial slurs
 - c. Making slurs, jokes or negative comments toward or about another person based on their legally protected characteristic
 2. Some acts of bias may not rise to the level of discrimination, discriminatory harassment, sex-based harassment, and/or retaliation, but can still be responded to, as appropriate, by the University.
 3. For allegations of bias that *do not* rise to the level of discrimination, discriminatory harassment, sex-based harassment, and/or retaliation, only remedial response, such as support-based resolution and/or educational outreach to the respondent, will be considered as outcome and the University may forgo any form of formal resolution process.

- ii. Discrimination: Discrimination is defined as treating members of a protected category less favorably because of their actual or perceived membership in that category or as having a policy or practice that adversely impacts the members of one protected category more than others, unless such treatment is permitted by law or policy.
 - 1. As a note, discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

- iii. Discriminatory Harassment: Discriminatory Harassment is unwelcome non-verbal or physical, verbal, or online conduct where such conduct is based on actual or perceived membership in a protected category, and is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile or offensive environment and would have such an effect on a reasonable person.
 - 1. Protected categories identified in this policy include: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, social class, or any other protected category under applicable local, state or federal law.
 - 2. Discriminatory Harassment related to sex is treated as Sex-Based Harassment, defined below.

- iv. Sex-Based Harassment: Sex-based harassment is a form of discriminatory harassment and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-Based Harassment includes the following:
 - 1. *Quid pro quo harassment*: An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

2. *Hostile environment harassment*: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant's ability to access the University's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the University's education program or activity.

3. *Sexual assault*: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Specifically, this includes:
 - a. *Rape*: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - c. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.

4. *Dating violence*: Violence committed by a person:
 - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the people involved in the relationship.
 - c. Emotional and psychological abuse do not constitute violence for the purposes of this definition.
5. *Domestic violence*: Felony or misdemeanor crimes of violence committed by a person who:
- a. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the University, or a person similarly situated to a spouse of the victim;
 - b. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - c. Shares a child in common with the victim; or
 - d. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
 - e. Emotional and psychological abuse do not constitute violence for the purposes of this definition.
6. *Stalking*: Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.
7. *Sexual Exploitation*: The abuse or exploitation of another person's sexuality without consent, for the perpetrators own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Sexual Exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.

- v. **Retaliation:** Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.
1. The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing, and to any student who refuses to participate in an investigation, proceeding, or hearing and includes peer retaliation.
 2. Retaliation may occur even where there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

g. Delegation of Duties Under This Policy: Obligations in this policy assigned to a particular title, such as the Title IX Coordinator or Chief Human Resources Officer, may be designated as appropriate by the University, including to external professionals. Throughout the policy, "Title IX Coordinator/designee" will be noted, and the appropriate University official will be assigned to coordinate response on those items (based on the reported concerns that have been submitted).

h. Academic Freedom: The University is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth. This policy and procedures are not intended to inhibit or restrict free expression or exchange of ideas, abridge academic freedom, or prohibit educational content or discussions inside or outside of the classroom that includes germane but controversial or sensitive subject matters protected by academic freedom. Members of the University community are free to express their views on any academic subject, regardless of whether those viewpoints are provocative or controversial. Before proceeding with or continuing an investigation of any report of harassment or retaliation that involves an individual's speech or other communication, the University will take care to distinguish between protected speech and hostile environment harassment. The Title IX Coordinator/designee will take action as

needed to restore or preserve a person's access to the University's education program or activity. Thus, even where conduct might involve academic freedom, if the conduct creates a hostile environment the University will seek to take actions reasonably calculated to address the conduct short of a disciplinary process.

i. Title IX Coordinator: The University is committed to promoting a diverse, equitable, and inclusive working and learning environment free from discrimination and harassment. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating the University's response, investigation, and resolution of all reports of Prohibited Conduct based on sex and under this Policy. The Title IX Coordinator acts with independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any student, employee, or other individual to discuss this policy or the accompanying procedures and can be contacted at:

Title IX Coordinator
titleix@susqu.edu
570-372-4302

j. Conflicts of Interest or Bias: Any individual carrying out any part of this policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator/designee have a conflict of interest, they are to immediately notify the Chief Human Resources Officer who will either take, or reassign, the role of Title IX Coordinator/designee for purposes of carrying out the handling and finalization of the matter at issue. Should any Investigator, Decision-Maker, or Appeals Officer have a conflict of interest, the Investigator, Decision-Maker, or Appeals Officer is to notify the Title IX Coordinator/designee upon discovery of the conflict so that the Title IX Coordinator/designee may reassign the role as appropriate. This policy will note where parties have the opportunity to challenge the participation of any individual implementing this policy based on actual conflict of interest or demonstrated bias.

k. Crime and Incident Disclosure Obligations: The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the University report the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, that occur in particular campus-related locations. The Clery Act also requires the University to issue a warning to the community in certain circumstances. In the statistical disclosures and warnings to the community, the University

will take reasonable measures to ensure that a complainant's name and other identifying information is not disclosed. The Title IX Coordinator/designee will refer information to the Clery Officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

1. Consensual Relationship and Conflicts of Interest: In the interest of maintaining high standards of ethical behavior in both professional and interpersonal relationships and of avoiding behavior that could interfere or could easily be construed to interfere with a faculty or staff member's professional responsibilities, Susquehanna University prohibits intimate sexual or romantic relationships between faculty or staff members and a student. Additionally, when an employee is in a situation of actual or potential conflict of interest, that individual must report the conflict immediately to their supervisor. The supervisor will work with the Human Resources office to resolve the issue. Please see the University's *Conflict of Interest and Consensual Sexual or Romantic Relationships with Students Policy* for further information.

2. REPORTING HARASSMENT AND DISCRIMINATION

- a. **Employee Reporting Obligations:** The University believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of harassment or discrimination. All employees, with limited exceptions as identified by the University, are required to promptly provide to the Title IX Coordinator/designee all complaints or reports of sex discrimination and share all information reported or made available to the employee. If an employee in a supervisory capacity has direct knowledge of an incident of harassment or discrimination on the part of, or directed toward, any employee of the community, that supervisor is required to bring the matter to the attention of the Title IX Coordinator/designee and/or the Chief Human Resources Officer.
 - i. Researchers conducting IRB-approved human subjects research study designed to gather information about sex discrimination are not required to report to the Title IX Coordinator disclosures made in the course of that study.
 - ii. The University also encourages employees who themselves experience harassment, discrimination, sex-based harassment and sexual and interpersonal violence to bring their concerns to the Title IX Coordinator/designee, though they are not required to do so.
 - iii. When providing this information to the Title IX Coordinator/designee, the employee must include their own name and contact information, and all known details about an incident,

which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.

- iv. Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with FERPA and other University expectations.
- v. In addition, certain employees of the University are considered by law to be mandatory reporters of child abuse, elder abuse, or abuse of persons with disabilities. These University employees are required by law to report incidents of abuse. A fuller description of the mandatory child abuse reporting obligation and those covered by state obligations can be found in the university's *Mandatory Reporting of Suspected Child Abuse Policy*.

b. Public Awareness Events: The University recognizes, along with the Office of Civil Rights (OCR), that public awareness events and education programs are best served by a higher level of confidentiality. Therefore, public awareness events such as "Take Back the Night" or other forums which students disclose experiences of sexual misconduct and gender-based violence are generally not considered notice to the University for the purpose of triggering an individual investigation unless the individual initiates a complaint. While the University generally will not take action based on information shared at public awareness events, if the University learns of information provided during such an event that indicates an imminent and serious threat to the health and safety of a complainant, any students, employees or other persons, the University may need to take action. The University may provide information about Title IX and available University and community resources and support at public awareness events. In addition, a Complainant may choose not to make a report in their own case, even if the Complainant would otherwise have reporting obligations. In all cases, information the University learns as a result of one of these events will be used to inform its efforts to prevent sex-based harassment.

c. How to Make a Report to the University: All reports or complaints of violations of this policy will be taken seriously and in good faith. The Title IX Coordinator, Chief Human Resources Officer, and/or another campus designee (such as the Chief Inclusion and Diversity Officer), will provide information and guidance regarding how to file a complaint with the University and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the report or complaint.

- i. Every reasonable effort will be made to maintain the privacy of those making a report or complaint to the extent possible. In all cases, the University will give consideration to the party bringing forward a report or complaint with respect to how the matter is pursued. The

University may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that the University not initiate an investigation.

- ii. Employees, students, guests, or visitors who believe that this policy has been violated should promptly contact the Title IX Coordinator, Chief Human Resources Officer, or their designee, as follows:

Title IX Coordinator:

titleix@susqu.edu

570-372-4302

Online reporting form: [Linked here](#)

Deputy Title IX Coordinators:

Stephanie Johnson, Associate Director of Athletics Compliance and Title IX

johnsonstephanie@susqu.edu

570-372-4605

Amy Davis, Associate Director of Inclusion & Diversity and Deputy Title IX Coordinator

davisam@susqu.edu

570-372-4590

Other University Leadership:

Chief Human Resources Officer

humanresources@susqu.edu

570-372-4024

María Muñoz, Ph.D., Chief Inclusion and Diversity Officer

munozm@susqu.edu

570-372-4734

- iii. There is no timeline for making a report of harassment or discrimination, however, the University encourages the prompt reporting of a complaint as the ability of the University to pursue the complaint to conclusion may be hindered by the passage of time.

- d. **Amnesty:** A student or witness making a report to the Title IX Coordinator/designee may be eligible for Amnesty for drug or alcohol related violations of the Student Code of Conduct that occurred on or

around the same time as the incident or that was in connection with the incident.

- e. **Privacy and Confidentiality:** The University values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.
- i. References made to privacy mean the University offices and employees who cannot guarantee confidentiality, but will seek to maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator/designee, who is responsible for tracking patterns and spotting systemic issues. The University will limit the disclosure as much as reasonably practicable.
 - ii. All activities under these procedures shall be conducted with the privacy interests of those involved. While the University will take all reasonable steps to protect the privacy of individuals involved in a report or complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address those concerns or provide for the physical safety of an individual or the campus. Thus, the University cannot, and does not, guarantee that all information related to complaints will be kept confidential.
 - iii. In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this policy will be provided for an in person review and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this policy.
 - iv. Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians, clergy) may not report to Title IX Coordinator/designee any identifying information about conduct that may violate the University's policies against harassment and discrimination without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator/designee or initiate any process under this policy.
 1. The University employs employees who are not required to report information about sex discrimination to the Title IX Coordinator:
 - a. Confidential Resources will not share information about an incident unless (1) given permission to do so by the person who disclosed the information; (2) there

is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

- b. At Susquehanna, Confidential Resources are limited to professional, licensed counselors, medical professionals, privileged victim advocates, and pastoral counselors who provide mental health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor).
 - 2. Confidential Resources will explain to any person who informs them of conduct that may reasonably constitute Prohibited Conduct that the employee is a confidential and not required to report the conduct to the Title IX Coordinator, explain how to contact the Title IX Coordinator and how to make a report or complaint of sex discrimination, and explain that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation.
- f. **Reporting to the Police:** Some Prohibited Conduct may constitute a violation of both criminal law and University policy. The University encourages everyone to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file with law enforcement shall not be considered as evidence that there was not a violation of University policy.
- i. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Conduct may constitute Prohibited Conduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.
 - ii. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a report or complaint is made to the University as well as to law enforcement, the University may delay its process if a law enforcement agency requests that the University delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.

- iii. All investigations and hearings under this policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.
- iv. In the case of an emergency, where the physical well-being of a member of the University community or the safety of the University as an institution is threatened, any individual with such knowledge should promptly inform the Director of Campus Safety or their designee. The University may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the University community and the University as an institution.

3. RESPONDING TO A REPORT

The following process will be used after a report of harassment or discrimination is received by the University.

- a. **Initial Contact:** The Title IX Coordinator/designee will contact the complainant to meet for an initial intake and assessment meeting, and will provide the following:
 - i. An invitation to meet to offer assistance and explain their rights, provide resources, and share response options under this policy;
 - ii. Access to this policy;
 - iii. Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy;
 - iv. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
 - v. The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution is initiated;
 - vi. The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
 - vii. The right to notify law enforcement as well as the right not to notify law enforcement;
 - viii. The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence;
 - ix. The right to an advisor of choice, if applicable, during the University proceedings under this policy including the initial meeting with the Title IX Coordinator/designee;

- x. A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited.

b. Initial Intake & Assessment: The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the parties. The Title IX Coordinator/designee may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility.

- i. If the individual bringing forward the report is not the actual complainant, the Title IX Coordinator/designee will limit communication to general information on policies and processes.
- ii. Should the complainant wish to initiate a resolution process, the Title IX Coordinator/designee will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator/designee will communicate to the complainant this determination.
- iii. If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator/designee will provide the complainant written notice that the matter is being referred for handling under a different policy and/or to another appropriate office for handling.

c. Requests for Confidentiality or No Further Action: When a complainant requests that the University not use their name as part of any resolution process, or that the University not take any further action, the University will generally try to honor those requests. However, there are certain instances in which the University has a broader obligation to the community and may need to act against the wishes of the complainant. In such circumstances, the Title IX Coordinator/designee will notify the complainant in writing of the need to take action. The factors the Title IX Coordinator/designee will consider when determining whether to act against the wishes of a complainant include:

- i. The complainant's request not to proceed with initiation of a complaint;
- ii. The complainant's reasonable safety concerns regarding initiation of a complaint;
- iii. The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
- iv. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

- v. The age and relationship of the parties, including whether the respondent is an employee of the University;
 - vi. The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
 - vii. The availability of evidence to assist a Decision-Maker in determining whether discrimination occurred;
 - viii. Whether the University could end the alleged discrimination and prevent its recurrence without initiating its grievance procedures under this policy; and
 - ix. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex to its education program or activity.
- d. **Emergency Removal:** For sex discrimination and sex-based harassment, the University retains the authority to remove a respondent from the University's program or activity on an emergency basis, where the University (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal, and (3) provides the respondent with notice of and an opportunity to challenge the decision immediately following the removal. This emergency removal will typically remain in place pending the University's conclusion of a formal grievance process. For all other Prohibited Conduct, the University may defer to its interim suspension policies for students and Disciplinary Action Policy for employees.
- i. The respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator/designee in writing and within 3 days of notification of emergency removal. The University will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.
- e. **Administrative Leave:** The University retains the authority to place an employee respondent on administrative leave during a pending complaint process under this policy, with or without pay as appropriate. Administrative leave may be a supportive measure, emergency removal, or consistent with applicable law. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

- f. **Dismissal of a Complaint:** Before dismissing a complaint, the University will make reasonable efforts to clarify the allegations with the complainant. The University may dismiss a complaint if: 1) The University is unable to identify the respondent after taking reasonable steps to do so; 2) The respondent is not participating in the University's education program or activity and is not employed by the University; 3) The complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator/designee declines to initiate a complaint; 4) The complainant voluntarily withdraws some but not all allegations in a complaint in writing, and the University determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy; or 5) The University determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this policy.
- i. Upon dismissal, the University will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the University will notify the parties simultaneously in writing.
 1. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator/designee will include that information in the notification.
 - ii. The University will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then the University will also notify the respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, the University will follow the procedures outlined in the Appeals section of these procedures.
 - iii. When a complaint is dismissed, the University will, at a minimum:
 1. Offer supportive measures to the complainant as appropriate;
 2. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and,
 3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator/designee to ensure that discrimination does not continue or recur within the University's education program or activity.
 - iv. A complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile the complaint.
- g. **Referrals for Other Misconduct:** The University has the discretion to refer reports and/or complaints of misconduct not covered by this policy for handling under any other applicable University policy or code. As part of any such referral for further handling, the University may use evidence already gathered through any process covered by this policy.

- i. Should there be a conflict between the provision of this policy and other University policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.
- ii. This policy and these procedures are separate from the University's student disciplinary processes, by which the University may bring a discipline charge against a student for violating the University policy according to the provisions found in the University code of conduct.
- iii. This policy and these procedures may also be separate from disciplinary processes for University personnel and the provisions found within these policies and procedures.

h. Consolidation of Cases: The University may consolidate complaints under this policy as appropriate, such as when there are multiple complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple complaints with overlapping parties. The University also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged violation of Prohibited Conduct under this policy. The Title IX Coordinator/designee will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Life or Human Resources. However, allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

- i. Student Withdrawal or Employee Resignation while Matters are Pending:** If a student or employee respondent permanently withdraws or resigns from the University with unresolved allegations pending, the University will consider whether and how to proceed with the resolution process. The University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged harassment, discrimination or retaliation.
 - i. A student respondent who withdraws or leaves while the process is pending may not return to the University without first resolving any pending matters. Such exclusion applies to all the University campuses and programs. Admissions will be notified that the student cannot be readmitted. They may also be barred from the University property or events. If a student respondent withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to the University unless and until the matter is fully resolved.

- ii. An employee respondent who resigns with unresolved allegations pending is not eligible for rehire with the University and the records retained by the Title IX Coordinator/designee will reflect that status.

4. OPTIONS FOR RESOLUTION

There are multiple ways to resolve a complaint or report of harassment and discrimination. Whenever possible, the University will utilize the resolution method chosen by the complainant. During the resolution of a complaint, the Title IX Coordinator/designee will determine whether to implement reasonable supportive measures designed to assist all parties (complainants and respondents) and community members in maintaining access to and participation in the University programs, services and activities during the resolution of the complaint. This section includes information on *Support-Based Resolution*, *Agreement-Based Resolution*, and *Investigation*, or *Investigation and Hearing Procedures*.

- a. **Support-Based Resolution:** A support-based resolution is an option for a complainant who does not wish the University to take any further steps to address their concern, and when the Title IX Coordinator/designee determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include, but are not limited to: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling. A support-based resolution does not preclude later use of another form of resolution, including when new information becomes available to the University and the Title IX Coordinator/designee determines there is need for additional steps to be taken, or when the complainant later decides to pursue a different resolution process.
- b. **Agreement-Based Resolution:** Agreement-Based Resolution is an alternative to the investigation and decision-making procedures where the parties each voluntarily agree to resolve the concerns in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If the University offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator/designee must still take other prompt and effective steps as needed to ensure that discrimination does not continue or recur within the education program or activity.

Any party may design a proposed agreement between the parties. The Title IX Coordinator/designee must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a respondent violated this policy.

The Title IX Coordinator/designee has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through the Investigation or Investigation and Hearing process.

- i. Initiating the Agreement-Based Resolution Process: Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator/designee will provide the parties written notice that includes:
 1. The specific allegation and the specific conduct that is alleged to have occurred;
 2. The requirements of the Agreement-Based Resolution process;
 3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether the University could disclose such information for use in a future University grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
 4. Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal;
 5. Notice that once the Agreement is finalized and signed by the parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
 6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred;
 7. A statement that the respondent is presumed not responsible for violating this policy, unless the respondent admits to violations of this policy;
 8. An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend,

- or, in the case of Sex Based Harassment involving a student, an attorney;
9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
 10. The date and time of the initial meeting with the Title IX Coordinator/designee, with a minimum of three (3) days' notice;
 11. Information regarding Supportive Measures, which are available equally to the parties; and
 12. The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.
- ii. Facilitating an Agreement: If all parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator/designee will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator/designee does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator/designee may decide that the reported conduct will instead be addressed through the investigation or investigation and hearing process. The Title IX Coordinator/designee will inform the parties of such decision, in writing.
1. Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific parties in the matter. The Title IX Coordinator/designee may serve as the facilitator, subject to these restrictions. The Investigator or Decision-Maker for the matter may not facilitate an Agreement-Based Resolution in that same matter.
 2. Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:
 - a. an agreement that the respondent will change classes or housing assignments;
 - b. an agreement that the parties will not communicate, contact, or otherwise engage with one another, or will

- limit communication to only employment-related topics;
 - c. completion of a training or educational project by the respondent;
 - d. completion of a community service project by the respondent;
 - e. an agreement to engage in a restorative justice process or facilitated dialogue; and/or
 - f. discipline agreed upon by all parties.
3. In order to facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

iii. Finalizing the Resolution Agreement: Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator/designee, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator/designee as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

1. Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.
2. Any violations of the terms of the Resolution Agreement may result in disciplinary action.

c. Investigation & Decision-Making Resolution: This policy includes two types of investigation and decision-making procedures: 1) Procedures for all prohibited conduct matters except for sex-based harassment involving a student as a party; and 2) Procedures for sex-based harassment involving a student as a party. The following information applies to both types of investigation and decision-making procedures.

- i. Acceptance of Responsibility: If a respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct where responsibility was not taken, if any.
- ii. Assignment of the Investigator and/or Decision-Maker: The University will assign a trained Investigator and/or Decision-Maker to conduct an adequate, reliable, and impartial investigation and hearing, if applicable, in a reasonably prompt timeframe. The University reserves the right to utilize internal or external Investigators, Decision-Makers, or Hearing Officers.
 1. All parties have the option to participate in the investigation and/or hearing, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator providing the final report to the Decision-Maker (when evidence review is allowable by this Policy).
 2. In cases where there is a hearing, all parties have the same rights at the hearing, including the right to review any evidence that will be considered by the Decision-Maker prior to the hearing.
 3. The Investigator will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.
- iii. Conflict of Interest or Bias: After a Notice of Investigation and Allegations is issued to all parties, any party may object to the participation of the Title IX Coordinator/designee or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation and Allegations to object to the selection of the Investigator or the Title IX Coordinator/designee.
 1. Objections to the Title IX Coordinator/designee are to be made, in writing, to the Chief Human Resources Officer.
 2. Objections to the appointment of the Investigator are to be made in writing, to the Title IX Coordinator/designee. All objections will be considered, and changes made as appropriate.
 3. If the objection is substantiated as to either the Title IX Coordinator/designee or the Investigator, that individual shall be replaced. Any change will be communicated in writing.
- iv. Timeline: In those cases that do not include a hearing, the University strives to complete the investigation process within ninety (90) days

from the date of the Notice of Investigation and Allegations. In those cases that include a hearing, the University strives to complete the investigation process within sixty (60) days from the date of the Notice of Investigation and Allegations, and complete the hearing within sixty (60) days following the Notice of Hearing.

1. The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator/designee. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing.
 - a. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials. School break periods may also affect the timing of resolution.
 2. The University shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.
 3. The Investigator and/or Title IX Coordinator/designee shall provide the parties with periodic status updates, in writing.
- v. Burden and Standard of Review: The University has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the University and does not indicate responsibility. The standard of proof used in any investigation and decision-making process is the preponderance of the evidence standard, which means more likely than not.
- vi. Written Notice of Meetings: The University will provide to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.
- vii. Evidence Gathering
1. *Interviews*: The Investigator will seek to interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the

complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

2. *Impermissible Evidence*: The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:
 - a. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - b. Evidence provided to an employee designated by the University as exempt from internal reporting under this policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
 - c. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
 - d. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

d. Investigation & Decision-Making Procedures for All Prohibited Conduct Except Sex-Based Harassment Involving a Student Party:

This procedure is for all matters of Prohibited Conduct being investigated and determined under this policy *except for sex-based harassment involving a student as a party*.

- i. The University will assign a trained Investigator and/or Decision-Maker to conduct an adequate, reliable, and impartial investigation and hearing. The University reserves the right to utilize internal or external Investigators and Decision-Makers. All parties have the option to participate in the investigation, and each have the same rights during the resolution process, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator/Decision-Maker making any findings.
- ii. Notice of Investigation and Allegations: Prior to the start of an investigation, the parties will be provided with a written Notice of Investigation and Allegations communicating the initiation of an investigation into alleged violations of conduct prohibited by this Policy. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation and Allegations shall be provided to all parties. The Notice shall include, at a minimum:
 1. The University's resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures;
 2. The specific allegations, including the identity of the parties, and dates and location if known;
 3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
 4. A statement that Retaliation is prohibited;
 5. Contact information for the assigned Investigator and Decision-Maker, as well as the process for raising a challenge to the appointed Investigator, Decision-Maker, or Title IX Coordinator/designee, and the deadline for doing so.
 6. Expected length of the major stages of the resolution process, as well as any applicable deadlines.

7. Whether the Investigator, or another individual, shall serve as the Decision-Maker.
8. A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decision-making procedures, and that prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-Maker;
9. That the parties may have an advisor of their choice who may be a parent, colleague, friend, or, in the case of Sex Based Harassment involving a student, an attorney;
10. That the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
11. A statement that the University prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, with a link to the relevant policy(ies); and
12. The date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.

iii. Individual Interviews: The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the Investigator and the party or witness may attend their individual interview. A party's advisor may attend their advisee's meetings, subject to the rules described in this policy. Additional attendees may be permitted only at the discretion of the Title IX Coordinator/designee in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings and may be subject to further the University discipline for failure to abide by this expectation.

1. The University may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties.
2. The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option.

3. The University will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties, their advisors, and witnesses. The University has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable the University rules.
- iv. Evidence Review: At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered, when this evidence review is allowable under this policy.
1. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence, or names of witnesses. Given the sensitive nature of the information provided, the University will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to disciplinary action and/or may be excluded from further participation in the process.
 2. The parties will have a minimum of five (5) days to inspect and review the evidence and submit a written response in writing to the Investigator. The University will provide access to copies of the parties' written responses to the Investigation to all parties and their advisors, if any. The Title IX Coordinator/designee shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.
 3. At the conclusion of the evidence review, when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary.
 - a. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their

advisors. The parties shall have five (5) days to provide a response to the newly gathered evidence.

- b. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.
 4. The Investigator will consider the parties' written responses before finalizing the investigation report.
 5. The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached.
- v. Investigation Report: The Investigator, who will also serve as the Decision-Maker, shall evaluate the relevant and not impermissible evidence and make a factual determination regarding each allegation, and also determine whether a violation of the policy occurred. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The Investigator will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to questions. The Investigator shall prepare a report which shall include:
1. A description of the allegations of Prohibited Conduct;
 2. Information about the policies and procedures used to evaluate the allegations;
 3. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
 4. An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
 5. Findings of fact for each allegation, with rationale; and
 6. Conclusions regarding which section of this policy or other the University policy, if any, the respondent has or has not violated, with rationale.

This report shall be provided to the Title IX Coordinator/designee. In the event that the Decision-Maker has determined that a violation of university policy has occurred, the Title IX Coordinator/designee shall then provide the report to the

appropriate Sanctioning Officer to determine the sanction, and the Title IX Coordinator/designee shall then determine the appropriate remedy(ies) for the complainant and any impacted parties.

- vi. Notice of Outcome: The Title IX Coordinator/designee shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the investigation report. The Notice of Outcome shall include:
1. A statement of, and rationale for, any disciplinary sanctions the University imposed on the respondent;
 2. A statement as to whether remedies will be provided to the complainant;
 3. For the complainant, a description of any remedies that apply to the complainant;
 4. The University's procedures and the permitted reasons for the parties to appeal, including identifying the Appeals Officer;
 5. How to challenge participation by the Appeals Officer for bias or conflict of interest, which the Title IX Coordinator/designee will resolve in their sole discretion; and
 6. The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

e. Investigation & Decision-making Procedures in Cases of Sex-Based Harassment Involving a Student: The following describes the investigation and decision-making procedures for matters of sex-based harassment in which a student is either a complainant or respondent, regardless of the status of the other party. Additionally, and in instances of alleged prohibited conduct for which a student may face suspension and/or expulsion, this procedure may also be utilized.

- a. Notice of Investigation and Allegations: Prior to the start of an investigation, the parties will be provided a written Notice of Investigation and Allegations communicating the initiation of an investigation into alleged violations of prohibited conduct pursuant to this Policy. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation and Allegations shall be provided to all parties. The Notice shall include, at a minimum:
- a. The University's investigation procedures, including the applicable determination procedure that will be used in this

- investigation and resolution, and a link to the relevant policies;
- b. Information about the agreement-based resolution process, with a link to the full procedures;
 - c. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
 - d. A statement that retaliation is prohibited;
 - e. Whether the Investigator, or another individual, shall serve as the Decision-Maker;
 - f. Expected length of the major stages of the resolution process, as well as any applicable deadlines;
 - g. That the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness;
 - i. These deadlines may be extended by the Title IX Coordinator/designee for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
 - h. The process for raising a challenge to the appointed resolution officer or Title IX Coordinator/designee, and the deadline for doing so;
 - i. A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process, and that, prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-Maker;
 - j. That the parties may have an advisor of their choice who may be a parent, colleague, friend, or, in the case of Sex Based Harassment involving a student, an attorney;
 - k. That the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and any investigation report that accurately summarizes this evidence;
 - l. That the University prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, making false statements or knowingly submitting false information during the grievance procedures; and

- m. The date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.
- b. Individual Interviews: The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request from the parties the names of relevant witnesses and relevant evidence. Only the Investigator and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator/designee in connection with an approved disability-related accommodation.
 - a. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the grievance process and may be subject to further the University discipline for failure to abide by this expectation.
 - b. The Investigator will then gather from parties, witnesses, and other sources, all relevant evidence as determined by the Investigator.
 - c. The University will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties, advisors, and witnesses. The University has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable the University rules.
 - d. The individual interviews may be conducted with all participants in the interview physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option. The Investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.
- c. Investigator Determination of Relevance: The Investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations and has the sole

discretion to determine which parties and witnesses to call to individual follow-up meetings. The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence that is not relevant will not be considered.

- d. Evidence Review: At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered.
 - a. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses.
 - b. Evidence not provided during the investigation process will not be considered by the Decision-Maker.
 - c. Given the sensitive nature of the information provided, the University will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to disciplinary action. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.
 - i. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.
 - d. The parties will have a minimum of five (5) days to inspect and review the evidence and submit a written response in writing to the Investigator. The Title IX Coordinator/designee shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.
 - e. When deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second

fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors.

- i. The parties shall have 5 days to provide a response to the newly-gathered evidence.
 - ii. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.
 - f. The Investigator will consider the parties' written responses before finalizing the investigation report.
- e. Investigation Report: The Investigator will prepare a written report summarizing all of the relevant evidence gathered and all steps taken during the investigation process. The Investigator will also include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes.
- f. Conclusion of Investigation, Notice of Hearing: Once the investigation report is final, the report together with all attachments shall be provided to each party and to their advisor, if any, in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Each party shall have ten (10) days to provide a response to the final report. The response, if any, shall be provided to the Hearing Officer.
 - a. Following conclusion of the investigation, each party shall be provided with a Notice of Hearing, which will include information regarding the date of the hearing, the identity of the Hearing Officer, the process to be used at the hearing, deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure they are relevant to the allegations.
 - i. The hearing shall be scheduled no less than ten (10) days from the date of the Notice of Hearing.
 - b. Within three (3) days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator/designee. Should the Title IX Coordinator/designee determine that there is an actual bias or conflict of interest, the Title IX Coordinator/designee shall remove the Hearing Officer and appoint another.

- g. Hearing Procedures: The purpose of a hearing is for a Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. The University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias.
- a. Hearings may be conducted in person or via videoconferencing.
 - b. The Title IX Coordinator/designee may determine that the hearing will continue in the absence of any party or any witness.
 - c. The University will appoint a Hearing Officer, who may be but does not have to be the same person as the Title IX Coordinator/designee or Investigator, who will determine whether a violation of the University policy has occurred.
 - d. The Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing.
 - e. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.
 - f. Each hearing shall be recorded by the University and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the University but shall be available for listening until the conclusion of the appeals process to complainant, respondent, their respective advisors, Hearing Officer, and Appeal Officer by contacting the Title IX Coordinator/designee.
 - g. *Prior to the Hearing*: The parties and the Hearing Officer all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) days in advance of the hearing.
 - i. Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason

the witness was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Hearing Officer will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.

- ii. A list of witnesses approved by the Hearing Officer will be provided to the parties at least three (3) days prior to the hearing.
- iii. Three (3) days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing.
 1. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Officer must give a party an opportunity to clarify or revise any question that the Hearing Officer has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.
- h. *Advisor*: Each party is entitled to be accompanied by one advisor at the hearing. The role of the advisor is to assist the party with understanding and navigating the proceedings. The advisor may not advocate for, respond for, or otherwise speak on behalf of a party during the hearing. In the event that a party does not appear for the Hearing, the advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.
- i. *Hearing Participation Guidelines*: The Hearing Officer shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and, when necessary, to adjourn the hearing or exclude the disruptive person.
 - i. In the event the Hearing Officer removes an advisor, the Hearing Officer will have the discretion to appoint

- another advisor, in consultation with the party, for the remainder of the hearing.
- ii. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.
 - iii. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.
- j. *Statements, Questioning and Presentation of Evidence:* During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call parties and witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the parties and witnesses including the questions the Hearing Officer approved to be asked that were submitted by each party prior to the hearing. Each party will then be provided an opportunity to submit follow-up written questions to the Hearing Officer for the Hearing Officer to pose to the other party or witnesses.
- i. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted but off an opportunity to the party to reframe the question..
 - ii. Only the Hearing Officer is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.
 - iii. Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their party.
- h. Hearing Officer's Report: Following the hearing, the Hearing Officer shall prepare a determination report. All findings shall be made by a preponderance of the evidence standard, meaning that the incident

is more likely than not to have occurred. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as complainant, respondent, or witness. The determination report will include:

- a. A description of the sex-based harassment;
- b. A reference to the policies and procedures used to evaluate the allegations;
- c. A description of all procedural steps taken to date;
- d. The Hearing Officer's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
- e. Determinations for each allegation, with the rationale for determination;
- f. Sanction determination (if applicable);
- g. Whether remedies will be provided; and
- h. The procedures for an appeal.

The Hearing Officer's report shall be provided to the Title IX Coordinator/designee. If the Hearing Officer determines that there is no finding of responsibility, the Title IX Coordinator/designee shall communicate the findings to each party, and their advisor, should the party wish the advisor to receive it, a written Notice of Outcome along with a copy of the Hearing Officer's report, to the parties, together with procedures for appeal.

- i. Sanctioning: If there is a finding of responsibility, the Title IX Coordinator/designee shall contact the appropriate sanctioning officer who will determine the sanction and notify the Title IX Coordinator/designee of the sanctioning determination. The Title IX Coordinator/designee will then provide each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome regarding the Hearing Officer's decision, including the Hearing Officer's report. The Title IX Coordinator/designee will also provide written communication to the complainant regarding any appropriate remedies.
- j. Failure to Complete Sanctions: All responding parties are expected to comply with sanctions within the timeframe specified by the University. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator/designee stating the reasons for needing additional time. Failure to follow through on sanctions by the date specified, whether by refusal, neglect or any other reason, may result in

additional sanctions, such as suspension, expulsion, termination, or a transcript notation.

5. APPEALS

- a. Final determinations may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator/designee, who will then send the appeal to the Appeals Officer assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within five (5) days following the issuance of the outcome letter.
- b. When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal within two (2) days; the party will then have five (5) days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.
- c. Within three (3) days of an Appeal Officer being assigned, either party may provide written objection to the Appeal Officer on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator/designee. Should the Title IX Coordinator/designee determine that there is an actual bias or conflict of interest, the Title IX Coordinator/designee will appoint another Appeal Officer.
- d. Appeals may be filed only on the following three grounds:
 - i. Procedural Error: A procedural error occurred which would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
 - ii. New Evidence: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
 - iii. Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator/designee, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

- e. The Appeal Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator/designee, who will communicate the Appeal Officer's decision to the parties.
- f. The decision of the Appeals Officer is final.

6. RECORD RETENTION

In implementing this policy, records of all reports and resolutions will be kept by the Title IX Coordinator/designee in accordance with the applicable University records retention schedule (a minimum of seven years). All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information.

7. ADDITIONAL ENFORCEMENT INFORMATION

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

For more information, contact the nearest office of the EEOC or OCR.

U.S. Department of Education Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Telephone: 800-421-3481
TDD#: 877-521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

U.S. Equal Employment Opportunity Commission (EEOC)
EEOC Philadelphia
District Office 801 Market Street, Suite 1000
Philadelphia, PA 19107-3126
Telephone: 800-669-4000
TTD: 800-669-6820
ASL Video Phone: 844-234-5122
Email: PDOcontact@eeoc.gov
Web: <https://www.eeoc.gov/contact-eeoc>

8. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator/designee. The Title IX Coordinator/designee and Chief Human Resources

Officer will submit modifications to this policy in a manner consistent with institutional policy upon determining those changes to law, regulation or best practices require policy, or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time the alleged Prohibited Conduct occurred will apply. The policy definitions in effect at the time of the conduct will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the University website.

9. KEY DEFINITIONS

Advisor: Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or, in the case of sex-based harassment involving student or as otherwise required by law, an attorney. The University will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend. Except where explicitly stated by this policy, advisors shall not participate directly in the process. The University will provide parties with equal access to utilize advisors; any restrictions on advisor participation will be applied equally. The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding.

Amnesty: A provision whereby a student who makes a report or assists another in making a report to the University or who participates in the resolution of a complaint under this policy will not be subject to the University's policy concerning alcohol or drug use for actions that may have occurred at or near the time of the Prohibited Conduct defined within this policy, unless the alcohol or drug-related misconduct threatens the health or safety of another.

Coercion/Force: Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

- a. Coercion refers to unreasonable pressure for sexual activity. When someone indicates that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person, or their withdrawal of consent, is a form of coercion. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity

- b. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

Complaint: A complaint means an oral or written request to Title IX Coordinator, Deputy Title IX Coordinator, Chief Human Resources Officer, or designee, that objectively can be understood as a request for the University to investigate and make a determination about alleged discrimination under this policy. A complaint may be filed with the Title IX Coordinator/designee in person, by mail, or by electronic mail (email), by using the contact information listed on the Title IX website, or as described in this policy. Individuals who would like more information about filing a complaint are invited to contact the Title IX Coordinator/designee for additional information.

Complainant: Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this policy, and who was participating in or attempting to participate in a University program or activity at the time of the alleged misconduct.

Confidential Resources: Any individual identified by the university who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

Consent: Knowing, voluntary, ongoing, and mutual decision among all participants to engage in sexual activity, expressed in words or actions. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct with that particular person or people.

- a. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
- b. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Past consent does not imply future consent. A current or previous dating relationship is not sufficient to constitute consent.
- c. The existence of consent is based on the totality of the circumstances, evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred. Silence or the absence of resistance alone is not consent. In Pennsylvania, a minor (meaning a person under the

age of 16 years) cannot consent to sexual activity except in limited circumstances dictated by law.

- d. Consent can be withdrawn at any time during sexual activity through reasonable and clear communications, expressed by words or actions. When consent is withdrawn, sexual activity must stop.
- e. Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

Days: Any reference to days within this policy refers to regular business days, or those days when the University is in normal operation.

Decision-Maker: A trained professional designated by the University to decide responsibility, sanction, or appeals. When there is no hearing, the Investigator or designee may be appointed as the Decision-Maker.

Disclosure or Report: A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting discrimination or harassment under this policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

Education Program or Activity: The University's "education program or activity" includes all campus operations, including off-campus settings that are owned, operated, or overseen by the University, including, but not limited to, field trips, online classes, and athletic programs; conduct subject to the University's disciplinary authority that occurs off-campus; conduct that takes place via the University-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the University. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

Incapacitation: Occurs when someone cannot make typical, rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not interchangeable with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Under this policy, the University will consider whether a respondent knew or should have known the complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment. The fact that the respondent was unaware of the complainant's incapacity due to the respondent's own drug or alcohol use shall not be considered as an excuse.

No-Contact Directive: A No Contact Directive is a document issued by a University administrator that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy (following a finding of responsibility) shall be unilateral, directing that the respondent does not contact the complainant.

Notice: All notices under this policy are written and sent to the Party's assigned University email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official the University records, or personally delivered to the intended recipient.

Party/Parties: Referring to complainant(s), respondent(s), or both/all complainant(s) and respondent(s).

Remedies: Remedies means measures provided, as appropriate, to a complainant or any other person the University identifies as having had their equal access to the University's education program or activity limited or denied by discrimination or other prohibited conduct covered by this policy. These measures are provided to restore or preserve that person's access to the education program or activity after the University determines that discrimination occurred. Only the complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator/designee is responsible for implementation of remedies.

Respondent: An individual or group of individuals (such as a student organization) who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

Sanctions: One or more of the sanctions or disciplinary steps listed here may be imposed for a respondent who is found responsible for a violation of this Policy. Sanctions not listed here may be imposed in consultation with the Title IX Coordinator/designee. The form of sanction utilized will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable University rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

- a. The nature, severity of, and circumstances surrounding the violation.
- b. An individual's disciplinary history.
- c. Previous grievances or allegations involving similar conduct.
- d. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, or retaliation.
- e. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, or retaliation.

- f. The need to remedy the effects of the discrimination, harassment or retaliation on the complainant and/or the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires). Personnel found responsible for violating this policy may be referred to the appropriate University policy(ies) for any other applicable processes.

Possible sanctions and disciplinary steps for student respondents include, but are not limited to the following:

- **Primary Conduct Sanctions:**
 - Disciplinary Reprimand: A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action, including disciplinary probation.
 - Disciplinary Probation: A trial period during which a student and/or organization must behave in a manner acceptable to the University. This period can include exclusion from participation in privileged or co-curricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Policy, the Student Code of Conduct, or other relevant University policies during the period of probation, will normally result in suspension or expulsion from the university. Under the status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate university officials. Disciplinary probation status may also affect qualifications for some awards, prizes or financial aid, particularly those stipulating conduct acceptable to the university. Disciplinary Probation can affect a student's ability to apply for or participate in GO Programs. Disciplinary
 - Deferred Suspension: The sanction of deferred suspension may be placed in deferred status for a limited period of time. During this period of time, the student is on notice that any further violations of this Policy or the Code of Student Conduct will result in the suspension that was originally defined becoming effective immediately without further review. Deferred Suspension may not be imposed for longer than one regular semester. If this sanction is imposed during a semester, it may be imposed for the remainder of that semester and one additional semester.
 - Disciplinary Suspension: Temporary separation from University premises, and other privileges or activities, as set forth in the suspension notice. Students/organizations who are suspended are not permitted to participate in any University activities, academic or non-academic, during the suspension timeframe. They may not take part in any official exercise, including commencement. Suspended students are not allowed on

University premises during their suspension unless prior approval has been granted by the Vice President for Student Life/designee. Any request for the privilege of visiting Susquehanna during the suspension must be received in writing at least five (5) days prior to the requested date. The submission of a request does not guarantee approval. Students requesting the privilege may be asked to meet with a University official to describe this request. Decisions regarding the request will be communicated to the student and appropriate University official.

- Expulsion: Permanent termination of student and/or organizational status and exclusion from University premises, privileges, and activities including, but not limited to: receipt of University degree, registration, class attendance, residence in university- owned housing and use of university facilities. A student and/or organization who has been expelled is not eligible for readmission and/or re-establishment. Students expelled from the University are not allowed on University premises and will receive a No Trespass Order from the Office of Campus Safety. Expulsion will be kept on file with the University, will remain in the student's record permanently, and will be reflected on all future transcripts.
- **Secondary Conduct Sanctions:**
 - Restriction or Revocation of Privileges: The determination to withdraw a privilege, use of a service, participation in a program, event or activity for a specific period of time. The loss of privilege may prohibit a student or student organization from being released to live off-campus, or from participating in off-campus study (GO Program), co-curricular or athletic activities where the Individual(s) represents the university. Restrictions include, but are not limited to, registering or taking part in organizational or university social activities, the use of a particular university facility, guest privileges or parking privileges.
 - Restitution: Repayment to the University or to an affected party for damages resulting from a violation of this code. Restitution can occur at any level.
 - Educational Sanctions: In cases where it is appropriate, a Respondent may be required to participate in and/or complete educational sanctions to help prevent future instances of prohibited conduct. This can include online modules and/or in-person meetings with an appropriate facilitator.
 - Additional Sanctions: Additional sanctions may be imposed. Service, research projects or educational programs or activities, including but not limited to, an educational seminar, a treatment program for alcohol or drug abuse, or psychological assessments may also be assigned. Parents may be notified to the extent permitted by law.

Possible sanctions and disciplinary steps for staff and faculty respondents include but are not limited to: written warning(s), suspension, change in duties, workplace changes or

termination. Other relevant sanctions and disciplinary steps are listed in the staff *Disciplinary Actions Policy* and *Faculty Handbook*.

Student*: Any person who has (or will have) attained student status by way of:

1. Admission, housing, or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by the university.

*Employees, at times, may also have student status at the University; in these circumstances, individuals will be considered an employee when acting in their capacity as an employee or within the course and scope of their employment.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the University's education program or activity, including measures that are designed to protect the safety of the parties or the University's educational environment; or
- Provide support during the University's grievance procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator/designee); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive.

Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of the institution to provide the Supportive Measures.

The University will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to the University's program or activity or provide support during the University's alternative resolution process or grievance procedures. Prohibited Conduct under this policy have the right to request supportive measures from the University regardless of whether they desire to make a complaint or seek alternative resolution. Supportive Measures will be offered to respondents when they are notified of the allegations.

A party may challenge the University's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee

will be designated to consider modification or reversal of the University's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide Supportive Measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) days.

The Title IX Coordinator/designee has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing codes or handbooks.

10. RESOURCES

- a. Confidential Resources:** Confidential Resources will not share information about an incident unless (1) given permission to do so by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order. Confidential Resources are limited to professional, licensed counselors, medical professionals, privileged victim advocates, and pastoral counselors who provide mental health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor).

- i.** Counseling and Psychological Services, 606 University Ave. Selinsgrove, PA | 570-372-4751 (24/7)
- ii.** University Chaplain, Degenstein Campus Center / Weber Chapel | 570-372-4220
- iii.** Director of Jewish Life, Hillel House | (570)-372-4440
- iv.** Campus Victim Advocate, Violence Intervention and Prevention Center / Transitions of PA | 1-570-490-2698 (business hours) | 1-800-850-7948 (24/7)
- v.** Student Health Center, 620 University Ave. Selinsgrove, PA | 570-372-4385(business hours) | 570-374-9164 (after hours)
- vi.** Employee Assistance Program | workhealthlife.com/Standard3 | 1-888-293-6948 | TDD: 1-800-327-1833

b. Non-Confidential Resources: All University employees have a duty to report, unless they fall under the "Confidential Resources" section as noted above. A complainant may want to consider whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee (who is considered a third-party reporter) with the Title IX Coordinator/designee or Chief Human Resources officer. Employees must share all the details of the reports they receive.

11. LINKS WITH OTHER POLICIES

- Policies and Procedures posted on the Susquehanna University website:
 - Policy and Procedures for Supporting Pregnant and Parenting Students: <https://www.susqu.edu/live/files/774-policy-and-procedure-for-supporting-pregnant-and>
 - Susquehanna University Student Handbook: <https://www.susqu.edu/campus-life/student-handbook/>
 - Other Susquehanna University Policies and Procedures: <https://www.susqu.edu/about-susquehanna/policies-disclosures-and-consumer-information/policies/>
- Policies and Procedures posted Internally on [myNest](#):
 - Department Policies: myNest/Policies and Procedures
 - Faculty Handbook: myNest/Resources by Office/Provost/Reference/Resource Materials/Faculty Handbook

12. EXCLUSIONS AND SPECIAL SITUATIONS

Not Applicable

13. POLICY CONTACT(S)

Responsible Office: Office of Title IX/Human Resources

Policy Author: Title IX Coordinator

Email: titleix@susqu.edu

Phone: 570-372-4302

14. POLICY HISTORY

Original Policy: August 1, 2024

Revised: NA

Most Recent Revision Posted: NA

Appendix A: The Violence Against Women's Act (VAWA)

Purpose of This Regulatory Action: On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. L. 113-4), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of their participation in the Title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault and stalking, and to include certain policies, procedures and programs pertaining to these incidents in their annual security reports. We are amending § 668.46 of title 34 of the Code of Federal Regulations (CFR) to implement these statutory changes.

Summary of the Major Provisions of This Regulatory Action

- Require institutions to maintain statistics about the number of incidents of dating violence, domestic violence, sexual assault and stalking that meet the definitions of those terms.
- Clarify the very limited circumstances in which an institution may remove reports of crimes that have been “unfounded” and require institutions to report to the Department and disclose in the annual security report the number of “unfounded” crime reports.
- Revise the definition of “rape” to reflect the Federal Bureau of Investigation's (FBI) updated definition in the UCR Summary Reporting System, which encompasses the categories of rape, sodomy and sexual assault with an object that are used in the UCR National Incident-Based Reporting System.
- Revise the categories of bias for the purposes of Clery Act hate crime reporting to add gender identity and to separate ethnicity and national origin into separate categories.
- Require institutions to provide to incoming students and new employees, and describe in their annual security reports, primary prevention and awareness programs. These programs must include: a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault and stalking, as those terms are defined in these final regulations; the definitions of these terms in the applicable jurisdiction; the definition of “consent,” in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution's policies and procedures after a sex offense occurs.
- Require institutions to provide, and describe in their annual security reports, ongoing prevention and awareness campaigns for students and employees. These campaigns must include the same information as the institution's primary prevention and awareness program.

- Define the terms “awareness programs,” “bystander intervention,” “ongoing prevention and awareness campaigns,” “primary prevention programs” and “risk reduction.”
- Require institutions to describe each type of disciplinary proceeding used by the institution; the steps, anticipated timelines and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault or stalking.
- Require institutions to list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault or stalking.
- Require institutions to describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault or stalking.
- Require institutions to provide for a prompt, fair and impartial disciplinary proceeding in which: (1) officials are appropriately trained and do not have a conflict of interest or bias for or against the accuser or the accused; (2) the accuser and the accused have equal opportunities to have others present, including an advisor of their choice; (3) the accuser and the accused receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures; (4) the proceeding is completed in a reasonably prompt timeframe; (5) the accuser and accused are given timely notice of meetings at which one or the other or both may be present; and (6) the accuser, the accused and appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings;
- Define the terms “proceeding” and “result.”
- Specify that compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Effective October 1, 2022, new relevant definitions are listed below:

Dating Partner: A person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Dating Violence: Violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim.
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic or technological abuse that may or may not constitute criminal behavior, by a person who:

- Is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim.
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner.
- Shares a child in common with the victim.
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Economic Abuse: In the context of domestic violence (and) dating violence, behavior that is coercive, deceptive or unreasonably controls or restrains a person's ability to acquire, use or maintain economic resources to which they are entitled, including using coercion, fraud or manipulation to:

- Restrict a person's access to money, assets, credit or financial information.
- Unfairly use a person's personal economic resources, including money, assets and credit, for one's own advantage.
- Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Technological Abuse: An act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort or monitor, except as otherwise permitted by law, another person that occurs using any form of technology, including but not limited to internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, communication technologies or any other emerging technologies.

Abuse in Later Life: Neglect, abandonment, economic abuse or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or domestic violence, dating violence, sexual assault or stalking of an adult aged 50 or older by any individual. It does not include self-neglect.

Appendix B: Visa/Immigration Assistance

Support Available on the Susquehanna University Campus

Global Opportunities Program

GO Office

514 University Ave

570-372-4697

Support Available in the Local Campus Community (Off-Campus)

Immigration Support Service

2215 Millennium Way

Enola, PA 17025

1-800-437-7313

Find your local embassy at the nearest location: <https://www.usembassy.gov/>

Appendix C: Emergency Resources

Law Enforcement: Many incidents of sexual harassment are also violations of the law. Individuals who wish to report a crime to law enforcement officials can contact the local agencies directly by dialing 9-1-1. They can also request assistance contacting the proper agency through the Title IX Coordinator, Campus Safety, or a confidential resource. If the Reporting Party is under 18 years of age, the University has an obligation to contact law enforcement.

Selinsgrove Borough Police Department: Available 24 hours a day to discuss criminal prosecution options that the student may have regarding an incident of gender based violence. Selinsgrove PD respects the wishes of students in regards to pursuing criminal charges.

Call: 570-374-8655 or 911 to speak with the Selinsgrove Borough Police Department.

Located at: 100 West Pine Street Selinsgrove, PA 17870

Medical Assistance: Emergency medical assistance is available both on campus (during business hours) and off campus (24/7). Individuals are encouraged (but not required) to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. Use the contact information below for more information about seeking assistance for a sexual harassment incident (sexual assault, rape, sodomy, domestic/dating violence, stalking).

WellSpan Evangelical Community Hospital: Available 24 hours a day, a student can go to the hospital for several options related to gender based violence incidents. These include, but are not limited to:

- Forensic Rape Exam: to collect evidence in the aftermath of an assault. Police are called to collect the kit, but a student will never be forced to speak with an officer at the hospital.
- Physical Exam: to assess, document, and treat injuries
- Emergency Contraception: to help prevent pregnancy
- STD/HIV Medications: to assist with the prevention of developing several common STDs and HIV

Call: 570-522-2770

Located at: One Hospital Drive, Lewisburg, PA 17837

A confidential advocate from Transitions of PA (1-800-850-7948) can take you to the hospital and sit with you during your visit. The cost of any of the procedures is covered by the Victim's Compensation Fund.