

Discrimination, Harassment, and Sex/ Gender-Based Misconduct Policy

NOTE: New Title IX regulations were provided in May 2020, becoming effective August 14, 2020. Given the extensive requirements under the newly revised Title IX regulations, the University is continuing to fine tune the presentation of the policy and procedures for receiving, addressing, and resolving disputes. Therefore, what follows will be expanded and organized more effectively from what is below, these being the minimum standards for procedural resolution that participants can expect.

Carlow University is committed to providing a workplace and educational environment that are free from discrimination, harassment, sexual misconduct, and retaliation. To support Carlow's core values, to ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting fairness and equity in all aspects of the institution, Carlow University has developed internal policies and procedures that provide a prompt, fair and impartial process for those involved in an allegation of discrimination, harassment on the basis of protected class status, sexual misconduct, and allegations of retaliation. Carlow University honors the dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

Under these internal policies and commensurate with the law and regulations, members of the university community, guests and visitors have the right to be free from all forms of discrimination and sex/gender harassment, sexual misconduct. The purpose of this policy is to clarify that the University prohibits all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment, or in the case of sex-based discrimination can encompass sexual harassment, sexual assault, stalking, dating violence, domestic violence, or sexual exploitation. Sexual harassment in any form undermines Carlow's core values and expectations of our campus community. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

All Carlow University students, faculty and staff-are covered under this policy, as are third parties on Carlow property or participating in Carlow-sponsored or related activities. This policy applies to all members of the Carlow community who experience sexual harassment or misconduct on campus owned or operated by the University, as well as properties in which the University exercises significant control, and at Carlow-sponsored functions held off-campus by another student or Carlow representative. The University may choose, at its discretion, to extent this policy to incidents occurring off campus that involve students and allegations of violation of University policy.

Confidential Resources

If a complainant would like the details of an incident to be kept confidential, the Complainant may speak to the following:

- Health and Counseling Services, 412.578.6474
- Director of Campus Ministries, 412.578.6651, skdewitt@carlow.edu
- Assistant to the President for Mercy Heritage, 412.578.6424, sacarney@carlow.edu
- Pittsburgh Action Against Rape (PAAR), 1.866.END.RAPE
- Magee Women's Hospital (300 Halket Street, Pittsburgh) 1.866.MyMagee
- UPMC Mercy (1400 Locus Street, Pittsburgh) 412.232.8111
- Women and Children's Shelter 24-Hour Hotline: 412.867.8005; 24-HourText Support: 412.744.8445)

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with an internal or external confidential resource. These resources are not required to report incidents to university officials or outside agencies. They can support a student in filing formal reports if requested.

We encourage all such students, regardless of whether they report the complaint formally to the university to obtain support from confidential reporters, listed below. They can help you obtain resources you may need, provide emotional support, and plan for your safety. If you are unsure of whether to report the incident, these confidential services can help you understand your options and decide the best course of action for you.

Internal Resources

Carlow University Health and Counseling Center has a registered nurse and two licensed counselors on staff, supported by a consulting arrangement with UPMC Adolescent Medicine and a consulting psychiatrist. Any student who has experienced sexual misconduct at any time, on or off campus, past or present, is encouraged to use these support services.

Director of Health Services: 412.578.6474

University Counselors: 412.578.6474

Campus Minister: 412.578.6651

Special Assistant to the President for Mercy Heritage: 412.578.6424

Non-Confidential Resources

Notice or complaints of discrimination, harassment, and/or retaliation may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail using any of the following options:

- Title IX Coordinator:
 - Jackie Smith, Director of Disabilities Services, 412.578.6050, jmsmith@carlow.edu
- Deputy Coordinators:
 - Erin Boyles, Assistant Dean of Students, 412.578.8774, eiboyles@carlow.edu
 - Bridgette Cofield, Assist. VP for Diversity, Inclusion, and Human Resources, 412.578.8897, bncofield@carlow.edu
 - George Sliman, Director of Athletics, 412.578.8826, gssliman@carlow.edu
- Keith Cerroni, Director of Residence Life, 412.578.8776, kccerroni@carlow.edu
- Graduate Resident Directors
- Resident Advisors
- University Police, 412.578.6007

External Resources

Magee Women's Hospital (300 Halket Street, Pittsburgh 1.866.MyMagee) and UPMC Mercy (1400 Locus Street, Pittsburgh 412.232.8111) have Forensic Nurses available 24 hours a day, seven days a week at their emergency departments. These Forensic Nurses, called Sexual Assault Nurse Examiners (SANE), are highly trained to collect evidence and connect individuals with advocates and community resources.

Pittsburgh Action Against Rape (PAAR) provides prevention and education services on campus. PAAR also provides a 24-hour confidential hotline (1.866.END.RAPE), counseling, and support through the medical and legal process. 412.431.5665.

Women's Center and Shelter of Greater Pittsburgh provides a shelter, assistance in obtaining protection orders, counseling, outreach and education services for those who experience dating and domestic violence. They have specialized workers on abuse in LGBTQ+ relationships and services for immigrants and refugees. Their hotline number is 412.687.8005.

Protection from Abuse Orders (PFA) can be obtained at Family Division Court in Downtown Pittsburgh.

Court information can be found at:

<http://alleghenycountyda.us/domestic-violence/protection-from-abuse/>

Center for Victims

(General Victim Services, Domestic Violence Services, Sexual Assault Services)

<https://www.centerforvictims.org/victim-services/>

24-Hour Crisis Hotline: 1-866-644-2882

Rape, Abuse, and Incest National Network (RAINN) is the largest anti-sexual assault organization in the country. They provide access to a wide variety of support and educational services to survivors of sexual misconduct and those who support them.

1.800.656.HOPE (4673)

Local clergy and attorneys are also included as confidential resources.

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Carlow employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

Title IX Coordinator

The university's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination, and misconduct policy. The Coordinator is housed in the office of Student Disabilities Services, University Commons 411E. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the university Title IX Coordinator:

Jacqueline Smith
Director of Disabilities Services
Title IX Coordinator
Office of Student Affairs, University Commons 411E
3333 Fifth Avenue, Pittsburgh, PA 15213
(412) 578-6050
Email: jmsmith@carlow.edu

Where to Officially Report Sexual Misconduct:

University Police- 412.578.6007
Jacqueline Smith, Title IX Coordinator, 412.578.6050
Erin Boyles, Assistant Dean of Students, 412.578.8774
Keith Cerroni, Director of Residence Life, 412.578.8776
Timothy P. Phillips, Vice President for Student Affairs and Dean of Students, 412.578.6087
Bridgette Cofield, Asst. Vice President – Human Resources, Diversity & Inclusion, 412.578.8897
Any member of the Residence Life staff (RAs and GRDs)
Any Campus Security Authorities (CSAs)

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR) Western Region

Dr. Teresa R. Randleman, Regional Manager
301 Fifth Avenue
Suite 410, Platt Place Pittsburgh, PA 15222-1210
412-565-7607
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>
By e-mail to education@usdoj.gov
By telephone at (202) 514-4092 or 1-877-292-3804 (toll-free)
By facsimile at (202) 514-8337

If an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to Bridgette Cofield, Assistant Vice President for Human Resources, Diversity, & Inclusion, 412-578-8897, or bncofield@carlow.edu.

Anonymous Reporting

Report online, using the reporting form posted at
[\[https://carlow.wufoo.com/forms/r1xcvmwz18mvv1g/\]](https://carlow.wufoo.com/forms/r1xcvmwz18mvv1g/)

Anonymous reports are accepted but can give rise to a need to investigate. Carlow University tries to provide supportive measures to all Complainants, which is not feasible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Carlow University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety of any of the parties or the community at large. Otherwise, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.

Formal Complaint

A Formal Complaint means a document filed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Supportive Measures

Carlow University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the education program or activity, including measures designed to protect the safety of all parties or the Carlow University's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Carlow University will inform the Complainant, in writing, that they may file a formal complaint with the Carlow either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The Carlow will maintain the privacy of the supportive measures if privacy does not impair Carlow's ability to provide the supportive measures. Carlow will act to ensure as minimal an academic impact on the parties as possible. Carlow University will implement measures in a way that does not unreasonably burden the other party.

These measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Scope and Jurisdiction of Policy

When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using Carlow's Policy and processes, as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of Carlow University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of Carlow University community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

Glossary of Terms

Advisor: a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Complainant: an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Complaint (formal): a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that Carlow University investigate the allegation.

Confidential Resource: an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

Consent is defined below. See the "Policy Definitions" section below, within the definition of *Sexual Assault*.

Day: a business day when Carlow University is in normal hours of operation.

Education program or activity: locations, events, or circumstances where Carlow University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Carlow University.

Final Determination: a conclusion by the standard of proof that the alleged conduct occurred and whether it did or did not violate policy.

Finding: a conclusion by the standard of proof that the conduct did or did not occur as alleged.

Formal Grievance Process: “Process A,” a method of formal resolution designated by Carlow University to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

Grievance Process Pool: includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

Hearing Decision-maker or Panel: refers to those who have decision-making and sanctioning authority within Carlow University’s Formal Grievance process.

Investigator: the person or persons charged by a Recipient with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Mandated Reporter: an employee of Carlow University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator [and/or their supervisor].¹

Notice: when an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

¹ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

Official with Authority (OWA): an employee of Carlow University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Carlow University.

Parties: collectively the Complainant(s) and Respondent(s)

Process A: the Formal Grievance Process detailed below and defined above.

Recipient: a postsecondary education program that is a recipient of federal funding.

Remedies: post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Carlow University's educational program.

A Reasonable person: the standard of perspective that would be present from someone similar who is in the same or similar circumstances. i.e. would another individual in the same or similar circumstances, regard these circumstances in the same way

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution: the result of an informal or Formal Grievance Process.

Sanction: a consequence imposed by Carlow University on a Respondent who is found to have violated this policy.

Sexual Harassment: the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

- For the purpose of this policy, Carlow University defines "*student*" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Carlow University.

- *Title IX Coordinator* is at least one official designated by Carlow University to ensure compliance with Title IX and Carlow University's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

Policy Definitions

Sex discrimination is treating someone unfavorably because of that person's sex, gender identity, including transgender status, or because of sexual orientation (EEOC, Title VII) Discriminatory behavior involves actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of membership in a protected class. For examples of behaviors that constitute sex discrimination, please see Appendix A below.

Any other University or Code of Conduct policy may fall within the sex discrimination section when a violation is motivated by the actual or perceived membership in a protected class of the reporting party.

Sexual harassment is unwelcome conduct, determined by a reasonable person, of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, when:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing, or is used as the basis for employment decisions or for academic evaluation, grades, or advancement. This quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or whether the person submits and avoids the threatened harm.
2. Such conduct creates a hostile environment that interferes with an individual's employment, education, or access to University programs, activities, and opportunities. A hostile environment can be created by conduct that is severe, persistent, or pervasive, or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.
3. Behavior is so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to Carlow University educational programs or activities.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex or gender identity. For example, it is illegal to harass a woman by making offensive comments about women in general (EEOC).

A *hostile environment* is created when sexual harassment is: sufficiently severe, and/or persistent and/or pervasive, and/or objectively offensive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational [and/or employment], social and/or residential program.

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the Title IX Coordinator or a Deputy Coordinator.

Quid Pro Quo Harassment

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- By a person having power or authority over another
- Constitutes Sexual harassment subject to disciplinary action when:
- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

Sexual Assault is any type of sexual contact or behavior that occurs without consent [See the definition of consent below].

This includes:

Non-Consensual Sexual Contact

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.
- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts.
- Any other intentional bodily contact in a sexual manner.

Non-Consensual Sexual Intercourse

- Any sexual penetration of vagina or anus with any object
- Any oral contact between mouth and genitals

- however slight,
- by a person upon another person,
- that is without consent and/or by force.

Consent

Carlow University expects all relationships will involve mutually agree upon behaviors and actions that involve effective consent. Consent may be defined as:

- Clear, knowing, and voluntary permission given prior to and during the interaction. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want and what you do not want to do.
- Consent to some form of interaction cannot be automatically taken as consent to any other form.
- Previous consent does not imply consent in the future.
- Silence or passivity -- without actions demonstrating permission -- cannot be assumed to show consent.
- Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn.
- Under this policy, "No" always means "No". Anything but a clear, knowing, and voluntary consent to any interaction is equivalent to a "no."
- Individuals who consent to interaction must be able to understand what they are doing. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of an interaction including a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation.
- Use of alcohol or other drugs by any of the parties will never function to excuse any behavior that violates this policy
- May not be given by someone underage or with a disability that does not permit full understanding of an interaction including a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation.

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy
- Dissemination of intimate images (i.e. revenge porn)
- Taking sexualized photographs without permission
- Prostituting another person
- Non-consensual digital, video, or audio recording of nudity or sexual activity
- Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity

- Engaging in voyeurism
- Going beyond the boundaries of consent (such as allowing someone to hide in the closet to watch consensual sex)
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
- Sexually based stalking and/or bullying may also be forms of sexual exploitation

Domestic Violence can occur between any current or former partners. Partners could be or have been married, living together, in a romantic relationship, or have a child together.

Dating Violence can occur within a romantic relationship, no matter the length or degree of intimacy.

Domestic Violence and Dating Violence are both defined as a pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner.

Domestic Violence and Dating Violence tend to escalate in frequency and severity over time. A person tends to not be abusive continuously; rather, it often happens in a cycle where tension builds, an incident can occur, and then a honeymoon phase may exist.

Domestic violence can be physical, sexual, psychological and emotional, economic and academic, or digital actions or threats of actions that influence another person.

This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone.

Various forms of abuse work together to create a pattern within the relationship whereby one person retains power and control over the other person. Abuse tends to follow a cycle of escalating tension, a more intensive incident, and a honeymoon phase where a person may apologize, make excuses, and temporarily change their behavior. However, in dating and domestic violence relationships, the cycle will continue again, the behaviors get worse, the honeymoon becomes shorter.

(Will be on website instead):

Stalking

A pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking can include:

- Repeated and unwanted attempts to contact an individual through text or voice message, email or social media. This can include attempts to contact an individual through a third-party.
- Repeatedly following or watching an individual
- Repeatedly appearing at one's home, friends, classes and other venues to attempt to interact with the person
- Frightening communications,
- Direct or indirect threats.
- Harassment through the internet.

Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to victims. Stalking often escalates over time. Stalking can occur with domestic violence. When stalking occurs in domestic violence, it can increase the risk of homicide. Stalking can lead to sexual assault and even homicide.

For information on what to do if you are being stalked, view this information from SPARC (Stalking Prevention Awareness Resource Center)

<https://www.stalkingawareness.org/what-to-do-if-you-are-being-stalked/>

Any other University or Code of Conduct policy may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's membership in a protected class.

Reporting Offences Under This Policy

Carlow University strives to create an environment free from sexual misconduct, harassment, and discrimination. We encourage students to report violations of this policy to the university. The university takes all allegations seriously and acts to determine supports, facts, and equitable resolution.

All Carlow employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Carlow for a Complainant or third-party (including parents/guardians when appropriate):

Anonymous Notice to Mandated Reporters

Pennsylvania law requires the university to enable students and others to file anonymous reports. While anonymous reporting may limit the scope of an investigation and the University's ability to pursue such matters, all such reports will be investigated to the extent reasonable and possible. Anonymous reports can be made via the following link:

<https://carlow.wufoo.com/forms/r1xcvmwz18mvv1g/>

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

[If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information].

Anonymous notice will be investigated by Carlow University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits Carlow University's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. [Mandated reporters may not be able to maintain requests for anonymity for

Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements].

Mandated Reporters and Formal Notice/Complaints

All Carlow employees (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Carlow University.

Supportive measures may be offered as the result of such disclosures without formal Recipient action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of Recipient policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though Carlow University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

If a student reports sexual misconduct to the University Police or campus authorities, they are NOT automatically required to pursue legal action. The University Police, as mandated

reporters, will report the complaint internally. They can also support anyone who wishes to file a criminal complaint through the Pittsburgh Bureau Police.

Internal campus proceedings and external legal processes are conducted independent of each other and the outcome of one does not necessarily influence the other.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether Carlow University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Carlow University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Recipients may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Carlow University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When Carlow proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that Carlow's ability to remedy and respond to notice may be limited if the Complainant does not want the Carlow to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Carlow's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Carlow to honor that request, Carlow University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Recipient, and to have the incidents investigated and properly resolved through these procedures.

Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Recipient must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Carlow University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Recipient policy.

Amnesty for Complainants and Witnesses

The Carlow community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Recipient officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Carlow community that Complainants choose to report misconduct to Carlow officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Recipient maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to the [Campus Police]).

Carlow University maintains a policy of amnesty for students who offer help to others in need. [While policy violations cannot be overlooked, Carlow University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.]

Employees:^[1] Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Recipient officials.

Carlow may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis]. Students have no time restrictions on when they can formally report incidents. However, if a report is made soon after an incident takes place, evidence can be preserved that can help with the investigation. Additionally, once a report is made the university

can provide students with supportive measures. Note supportive measures (with both confidential and formal).

Resolution Process Overview

Carlow University will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority.

For qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members, procedures consistent with 2020 Title IX regulations will be applied.

Alleged violation of policy not determined to fall within Title IX jurisdiction qualification will be reviewed.

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and staff handbooks.

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, Carlow University will initiate a prompt initial assessment to determine the next steps the University needs to take.

The University will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to proceed formally; and/or
- 2) An informal resolution; and/or
- 3) A Formal Grievance Process including an investigation and a hearing.

The investigation and grievance process will determine whether the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

Please see the Title IX Coordinator, deputies, and other support personnel for full details on the procedures. OR add this just before - Procedures are being finalized and will be posted soon.

Retaliation (ATIXA)

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Recipient is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for Recipient or any member of Recipient's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator¹⁹ engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety within the campus community.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the jurisdiction and scope of Title IX:
- If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue, based on the nature of the complaint. If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, and will refer the matter to the student code of conduct process. Please note that dismissing a complaint under Title

IX is just procedural requirement, and does not limit Carlow University's authority to address a complaint with an appropriate process and remedies.

Dismissal (Mandatory and Discretionary)²⁰

Carlow University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by Carlow University (including buildings or property controlled by recognized student organizations), and/or Carlow University does not have control of the Respondent; and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of Carlow University.

Carlow University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by Carlow University; or
3. Specific circumstances prevent Carlow University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Carlow University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision, and a decision not to dismiss, is appealable by any party under the procedures for appeal below. A Complainant who decided to withdraw a complaint may later request to reinstate it or refile it.

Counterclaims

Carlow University is obligated to ensure that the grievance process is not abused for retaliatory purposes. Carlow University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor

The parties may each have an Advisor²¹ of their choice present with them for all meetings and interviews within the resolution process if they so choose. The parties may select whoever they wish to serve as their Advisor if the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Carlow University may permit parties to have more than one advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of Carlow University community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Carlow University, the Advisor will be trained by Carlow University and be familiar with Carlow University's resolution process.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Carlow University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Carlow University is not obligated to provide an attorney.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

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Appendix A – Examples of Prohibited Behaviors

Behaviors falling under the Sex Discrimination policy can include, but are not limited to:

- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally; stalking; repetitive and menacing, pursuit, following, harassing, and/or interfering with the peace and/or safety of another .

Some examples of possible Sexual Harassment include:

- graphic commentary about an individual's body, sexual prowess, or sexual deficiencies
- leering; whistling; touching; pinching;
- assault;
- coerced sexual acts;
- suggestive, insulting or obscene comments or gestures;
- displaying sexually suggestible objects or pictures.

Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.

Examples of Quid Pro Quo harassment include:

- an attempt to coerce an unwilling person into a sexual relationship;
- to repeatedly subject a person to egregious, unwelcome sexual attention;
- to punish a refusal to comply with a sexual based request;
- to condition a benefit on submitting to sexual advances;
- sexual violence; intimate partner violence, stalking;
- gender-based bullying.

Some examples of abuse include, but not limited to:

Physical Abuse:

- hitting, grabbing, pushing, punching, pinning someone down attempting to strangle or choke,
- throwing objects and punching walls, threats of using physical force against you or loved ones.

Psychological and emotional abuse:

- isolating a person from family and friends (through monitoring whereabouts, causing rifts, using excessive jealousy),
- making a person feel bad about themselves, humiliating someone,
- gaslighting – changing the way someone thinks about themselves making someone feel guilty, constant criticism and put downs,
- controlling the way one dresses, who one sees and where one goes,
- threatening to take children away for leaving the relationship.

Economic and academic abuse:

- disrupting one's ability to go to work or school,
- making it difficult for one to succeed at work or school,
- controlling finances

Sexual abuse:

- manipulating one to engage in sexual activity through guilt, lies, and pressure,
- forcing or intimidating someone to have sexual relations,
- tampering with contraception,
- making a person feel bad about themselves sexually and their sexual decisions.

Digital abuse:

Using of technology, such as smartphones, the internet, or social media to intimate, harass, threaten, or isolate a victim.

- Tracking where someone goes through their phones and social media posts,
- Spreading rumors over social media,
- Constantly attempting to contact you
- Derogatory comments to your posts.

Appendix B – Resources for those experiencing prohibited behaviors
Warning Signs of Abuse <https://www.wcspittsburgh.org/signs-of-abuse/>

*For help, support or more information,

Women’s Center and Shelter of Greater Pittsburgh

[Website](#)

Call 24-hour hotline: 412-687-8005

Text: 413-744-4775

Chat: <https://www.wcspittsburgh.org/>

[Filing a Protection From Abuse Order](#)

[Resources on Domestic Violence](#)

[Download for Apple R U Safe App Download \(Apple Store\)](#)

[Download for Android R U Safe App Download \(Android\)](#)

[Love is Respect Safety Plan](#)

[Blackburn Women's Center \(Greensburg\)](#)

[The VOICE \(Cranberry\)](#)

Student Conduct Review and Grievance Procedures – Title IX Process

NOTE: New Title IX regulations were provided in May 2020, becoming effective August 14, 2020. Given the extensive requirements under the newly revised Title IX regulations, the University is continuing to fine tune the presentation of the policy and procedures for receiving, addressing, and resolving disputes. Therefore, what follows will be expanded and organized more effectively from what is below, these being the minimum standards for procedural resolution that participants can expect.

For those incidents that are determined by the Title IX Coordinator to fall within the jurisdiction of the Title IX regulations, the following procedures will apply:

Grievance procedures will be consistent with new regulations and treat all parties [typically references as complainant, respondent, or witnesses] involved similarly, regardless of sex. Provisions made during the process will apply equally to complainant [alleged victim] and respondent [accused party].

Filing a Complaint

The University will promptly and equitably receive and review all formal Title IX complaints, as noted above. A formal complaint must be filed in writing and signed by a complainant to initiate a formal process. The Title IX Coordinator may also initiate a formal complaint, however in such cases they will not serve as the complainant.

Notice of Complaint

Both the complainant and respondent will receive written notice of the complaint and details regarding the steps to be followed by the University. Each will have the right to have an advisor of their choice present at all related meetings and to have ample time to prepare for those meetings.

Jurisdiction

Only incidents meeting the definitions of sexual harassment, including sexual assault, domestic violence, dating violence, and stalking, will be reviewed by this process. Further, incidents must have occurred in a program or activity for which the University has control and within the United States. Every formal complaint will be investigated thoroughly.

Dismissal

Those incidents not determined within the jurisdiction of Title IX will be dismissed. The complainant may also request dismissal in writing to the Title IX Coordinator. Any consideration for dismissal will consider the details of the original allegation, community health and safety, whether the respondent is a current student or employed, and whether circumstances permit the effective gathering of evidence [usually due to time elapsed between incident and report]. Notice of dismissal will be communicated to both parties and each party will have the opportunity to appeal dismissal decision.

Equitable Treatment

All parties will be treated equitably. If found responsible, remedies will be provided for the complainant. No disciplinary outcomes will be provided until the full process is completed. Remedies will seek to restore or preserve equal access to educational activity. Remedies may be punitive or disciplinary against the respondent when resulting from a finding of in-violation of the policy. Those presenting documented disabilities will receive appropriate accommodations.

Process Timeline

The review process will have reasonably prompt time frames to review, investigate, and resolve the complaint. Reasonable delays may occur for good reasons, though not criminal process, absence of party or witness, absence of party's advisor, or need to provide language assistance or accommodations for disabilities.

Investigation and Evaluation of Evidence

Evidence collected as efficiently and as thoroughly as possible. No evidence deemed privileged [such as legal counsel or health records] will be compelled to be provided. All parties will have the opportunity to present evidence and witnesses. Evidence will be evaluated objectively based on the determined facts. No evidence will be assessed solely on the basis of a person's status as a complainant, respondent, or witness. Investigators will be trained and present no bias or conflict of interest. No presumption of a policy violation will be applied until the conduct review process, in its entirety, has been completed. Therefore, as required under Title IX regulations, the respondent will be presumed innocent pending investigation and full review.

Investigation Report

A full investigative report will be compiled, and all parties will be given ample [not less than 10 days] opportunity to review, supplement, and respond to evidence. All reports, in their entirety, will be provided to parties for review at least 10 days before any proceedings to determine responsibility for a policy violation. All evidence, including that obtained through a live hearing remains the property of the University.

Formal Hearings

Once completed, all investigations will be forwarded for a formal hearing. All parties will receive formal communication regarding the alleged policies being considered for violation, date, time, and details of the hearing. Hearings will be live, though adjustments will be made to permit participation without being present face-to-face. Hearing will be conducted by a Hearing Administrator for the purpose of facilitating the process and who will not serve as a decision-maker. Initial hearing decision-makers will be a panel of 3 staff drawn from a pool of candidates, pre-selected and affirmed to remove bias or conflict of interest. All evidence considered in the decision will be subject to cross examination for the purpose of challenge or clarification by the decision-maker and the parties advisors. All questions of

cross examination must be relevant and will be determined as such by the decision maker before being presented for response. If either party does not have an advisor of the purpose of cross examination the University will provide an advisor of their choice. Neither party or witnesses are required to participate in this process. All hearings will be documented through audio recording. No transcripts will be created or provided.

Standard of Evidence

The university uses the preponderance of the evidence (also known as “more likely than not”) as a standard for evaluating the evidence of whether a violation occurred. The university never assumes a responding party is in violation of university policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources and apply a fundamentally fair approach to determining if a policy or policies have been violated.

Outcomes

Hearing outcomes will be communicated to both complainant and respondent in a timely manner, usually within 48 hours of the decision. Decision letters will include findings for all decisions considered, rationale, sanctions or remedies as applicable, and details regarding the right to appeal the decision, including the grounds for, how to submit, and deadlines for submission.

Appeals

Appeals will be reviewed by a separate decision-maker appointed by the Title IX Coordinator. Both parties will be permitted to submit a response prior to a determination. Once a decision is reached, both parties will be notified, and the decision is final.

Range of Remedies

The following range of remedies may be applied in the event a respondent is found responsible for a policy violation:

Education Program: (We could also include batterer intervention program as a possible sanction)
Program determined by the decision-maker to be appropriate given the known circumstances of the finding, demeanor of the respondent, and any additional relevant details.

Reaction/Reflection/Research: May be issued to students who have engaged in a policy violation as a way of fostering reflection and exploration in a way that will benefit their future decision making, or for students whose behavior indicated a need for education on a particular subject.

Review Relevant Article, Book, Workshop, Program or Movie and Reflection Paper: May be issued to students whose behavior violated University Policy as a way of fostering exploration of a topic followed by reflection on the topic and how it relates to them.

Program Development/Presentation: May be issued to students who may benefit from creating an opportunity for other members of the community to learn and reflect about the topic/issue related to the inappropriate behavior.

Community Service or Service-Learning Experience: May be issued to students whose behavior disrupted the community in some way.

Contract Review: Contract review is implemented when a student has either seriously breached a community standard or has repeatedly engaged in inappropriate behavior. This initiative is for a specified period with the understanding that any further breach of community standards, during the time specified, may result in an extension of the contract review or a termination of a student's housing contract.

Fine: Payment of a monetary amount as a sanction for the violation of the Student Code of Conduct.

Residence Hall Probation: A probationary status that is in effect during the life of the sanction. During the residence hall probation, a student may not serve as a resident assistant. The probation may be introduced in subsequent disciplinary proceedings that occur during the period the sanction is in effect. This sanction is imposed only for infractions of the Student Code of Conduct that occur in the residence halls.

Change of Room Assignment: Student is moved from one housing assignment to another. This may be a temporary or permanent change of assignment.

Residence Hall Suspension: Termination of housing privileges for a specified time period. While on Residence Hall Suspension, the student is not allowed to visit others or be in the residence hall for any reason. Students on Residence Hall Suspension lose attendance privileges to Residence Life activities. If the suspension is imposed during a term, no housing refund is given.

Residence Hall Dismissal: Permanent loss of all housing privileges from the residence hall. This includes suspension of attendance privileges to Residence Life activities. If the sanction is imposed during a term, no housing refund is given.

Restitution: Restitution refers to requiring a student to pay for damages or misappropriation of property. Restitution may be imposed separately or in addition to any other sanction. In the case of damage, destruction, defacement, theft, or unauthorized use of property, restitution to the University may be required through financial payment or community service. Failure to make restitution may lead to an additional sanction.

Restriction from University Representation: Restriction of participation or representation of the University in programs such as but not limited to study abroad, athletics, student groups, and campus work experiences.

Loss of Privilege: Loss of privilege refers to the withdrawal of the use of a service, participation in an activity, or other withdrawal of privileges consistent with the inappropriate behavior. Loss of privilege

may be imposed separately or in addition to other sanctions. The loss of privilege will be in effect for a specified time period and any conditions that need to be met before the privilege is restored will be clearly documented.

Administrative Directive: Refers to a behavior, act, or obligation a student must fulfill or abide by for a specific time period. The Administrative Directive remains in effect until written documentation is provided to the student that his/her obligations are complete. An example of this may be requiring a student to not initiate contact with an individual or individuals in person, by telephone, electronically, through voicemail, in writing, by friends on his/her behalf, or by any other means.

Contract Termination: Refers to a student being separated from the University housing program by revoking a student's housing contract, either temporarily or permanently. Any conditions that must be met for a student to regain eligibility to live on campus must be made in writing at the time of the termination. A student whose contract is terminated due a policy violation shall not receive a refund of housing charges.

Disciplinary Probation: A student may be placed on disciplinary probation for a specific amount of time in conjunction with one or more other penalties for a given violation. Probationary status renders a student no longer in "good standing" disciplinarily, and not eligible to hold leadership roles at the University during the term of the probation. Disciplinary Probation may be combined with specific and stated restrictions on participation in University programs and services or other penalties as appropriate.

Suspension: A student may be placed on disciplinary suspension for a specific amount of time based on a serious violation of University policy. The suspension will specify a start and end date for the suspension. Students who are under Disciplinary Suspension will be involuntarily removed from University housing, all coursework, and any other personal interactions with the University. No refunds of housing fees, tuition, dining or other expenses will be provided to students on Disciplinary Suspension.

Expulsion: Expulsion (sometimes referred to as Dismissal) is permanent separation from the University. Notice of student expulsion will indicate a specific date at which the expulsion is in effect. Students who are expelled are not eligible to participate in any University programs, coursework or services. No refunds of housing fees, tuition, dining or other matters will be provided to students who are expelled from the University.

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