

# Carlow University Student Handbook Academic Year 2023 - 2024



The Carlow University Student Handbook is updated annually. The University reserves the right to update policies during the academic year. All students will receive notice via email of substantive updates prior to changes becoming effective. All changes made within the academic year will be highlighted.

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## Chapter 1: Carlow University Guiding Principles and Heritage

### Carlow University Heritage

Welcome to the Circle of Mercy! As a student at Carlow University, you become part of a worldwide family of people inspired by the story and the values of the Sisters of Mercy, the founders of our university. The Center for Mercy Heritage and Service provides opportunities for students to engage with and be enriched by this heritage. During your years at Carlow, we hope that you will take an active part in enlivening our mission and values and preparing yourself to carry them with you beyond your graduation.

### Carlow University Vision

Carlow University will be a preeminent, innovative, Catholic university, renowned for providing transformational learning experiences in which students realize their full potential and become career-ready ethical leaders committed to a just and merciful world.

### Carlow University Mission

Carlow University, rooted in its Catholic identity and embodying the heritage and values of the Sisters of Mercy, offers transformational educational opportunities for a diverse community of learners and empowers them to excel in their chosen work as compassionate, responsible leaders in the creation of a just and merciful world.

### Carlow University Core Values

#### MERCY

The identifying value of Carlow University is Mercy, encompassing all that we are and do as a University. Inspired by our God of Mercy, this value urges us to open our hearts to our students, our colleagues, and our world. In the tradition of action and contemplation, we seek practical ways of addressing need, and we engage in reflection to understand and integrate our experiences.

Education offers us the tools to address unjust structures and dehumanizing situations. Each discipline provides a lens through which we can envision our place in our own personal transformation and that of the global community. The values of Hospitality, Service, Discovery, and the Sacredness of Creation further expand our understanding of the power of Mercy to change our world.

#### HOSPITALITY

In Hospitality, we welcome the wholeness of each person, creating a space in our campus community for all individuals with their varied beliefs, cultures, orientations, and abilities. Openness to the gifts and perspectives of all creates a community rich in diversity and committed to inclusion.

## SERVICE

The value of Service calls us beyond ourselves to prioritize the needs of others over our own self-interest. Our efforts to identify and respond to the needs we see around us lead us to interact with persons and institutions in ways which are transformational. Our spirit of compassion leads us to practical action on behalf of those in need.

## DISCOVERY

Through Discovery, we open ourselves to the totality of our human experience, to the educational enterprise, to our relationship with the Divine, and to the wonders of the world in which we find ourselves. Discovery energizes our intellectual curiosity and desire for learning. It leads us ever deeper into the engagement with our chosen discipline and engenders a spirit of awe at the complexity and variety of creation.

## SACREDNESS OF CREATION

This value leads us to a respect for each person and for all of creation. In gratitude for the beauty and variety of our world and its inhabitants, we commit to a culture of sustainability and to the preservation of a world where all are revered, and all may thrive.

## **Diversity Statement**

In keeping with our value of the Sacredness of Creation, Carlow University dedicates itself to the creation and nurture of an inclusive, welcoming, diverse campus community. Living our Vision, Carlow commits to ensure that:

- Our student body and workforce reflect the rich diversity of our surrounding community and the totality of the human experience, with vibrant contributions from people of different gender identities, races, religions, sexual orientations and identities, ages, national origins, differing abilities, and socio-economic status.
- Students, faculty, staff, and visitors to our community report a sense of safety and welcome in their own identities, however they define them, and exhibit a willingness to extend the same safety and welcome to others.
- We learn together as an open community, respectful of others' attitudes and opinions, and address issues of social justice and diversity both inside and outside the classroom, through contemplation and action.

## **Carlow University History**

In 1843, seven young and generous Sisters of Mercy left Carlow, Ireland, and traveled to Pittsburgh, Pennsylvania to establish the first community of Mercy in the United States. They settled in the center of the city and began at once to serve the needs of the people, creating schools, an orphanage, and Mercy Hospitals. In 1884, a thirteen-acre property in the Oakland area became available and the sisters, along with Saint Mary's Academy, moved into the

elegant French chateau which crowned the property. The school was known as Our Lady of Mercy Academy. They built a new convent adjacent to the chateau and a building to house the Academy. In 1929, conscious of the need for opportunities for higher education for the Catholic young women of the city, the Sisters founded Mount Mercy College. It was an act of faith and courage as the country was facing an economic crisis and there were no buildings or resources to support this endeavor. The college opened on September 24<sup>th</sup> with 25 students and five sisters who served as faculty and administration. All classes were held in the convent until the new Aquinas Hall was opened in 1936. Mother Iranaeus Dougherty and Sister Regis Grace were the co-founders of Mount Mercy College.

In 1969, to distinguish the college from several other “Mount Mercy’s” around the country, the Board of Trustees considered a name change. Sister Kathleen Healy, head of the English Department, proposed Carlow College in reference to the town from which the sisters came. On April 17, 1969, the Board of Trustees and the Pennsylvania Department of Education approved the change. In 2004, in its 75th anniversary year, Carlow College officially received University recognition and is now known as Carlow University.

The present Motherhouse for the Sisters of Mercy, designed by well-known local architect Edward Stotz, opened in 1909. In the early 1970s, it was declared a national historic landmark. In 1998, the Sisters dedicated the Mother of Mercy Chapel, a place where the Sisters and their guests can pray and worship. The chapel’s remarkable stained-glass windows depict the ordinary gestures of faith, as embodied in the Works of Mercy. Students are welcome anytime, of course, but especially at the regularly scheduled masses and those held in observance of the holy days of obligation. Students may also visit the Heritage Galleries, located off the foyer of the convent entrance. The Galleries offer a visual and narrative chronicle of the daring, courageous women who shaped countless lives and had an impact on the foundations of our society in this region and throughout the United States.

## **Carlow University Alma Mater**

Blessings on you,  
Carlow University,  
Younger days remembering  
Searching always for self-knowledge,  
truth and all its wondering.  
We thank you for walking with us  
when our steps were not so sure.  
Praise and love you for your trusting in days  
when we were less secure.  
Your community of learning  
taught us truth’s a mystery.  
So, we are forever yearning,  
searching always faithfully.

As we journey roads unknown  
we're strengthened by your legacy.  
Having been our kindly home –  
Bless you, Carlow University.

## **History of the University Written in Its Name and the Names of Its Buildings**

### ***McAuley Hall (1927)***

This hall was built as a residence hall for the boarders at Our Lady of Mercy Academy and was named for Catherine McAuley, the founder of the Sisters of Mercy in Dublin (1831). At the age of fifty, Catherine inherited a significant fortune, allowing her to begin a ministry of service the poor, especially women and children. Other women joined her in this venture and eventually became the first members of the Sisters of Mercy.

### ***Tiernan Hall (1927)***

This hall was originally called Our Lady of Mercy Academy, and it was built to house the elementary and secondary school for girls. Tiernan Hall was named for Eliza (Sister Xavier) Tiernan, the beautiful and refined daughter of a wealthy merchant, who, in 1843, became the first American and Pittsburgher to become a Sister of Mercy. Five years later, at the age of 23, Sister Xavier Tiernan died ministering to typhoid patients in the new founded Mercy Hospital (1847).

### ***St. Joseph Hall (1932)***

This hall was an Academy and Mount Mercy College venture to house an indoor swimming pool, a gymnasium, and gracious reception rooms, now being used for the Wellness Center and weight rooms. In 1985, the gym was named for Kathleen McNulty Rooney, daughter of Art Rooney, the owner of the Pittsburgh Steelers.

### ***Aquinas Hall (1936)***

This hall became the first formal building “to be used for lectures and recitations in Liberal Arts” and included the library and administrative and registrar’s offices. The hall is named for Sister Aquinas Regan who, as Mother Superior of the Sisters of Mercy, first proposed the idea of founding a college.

### ***Trinity Hall (1941)***

This hall was the first science building and originally housed the chemistry and biology labs and classrooms. The “trinity” is a core mystery of the Catholic Church, which teaches the unity of God in a communion of three persons, Father, Son, and Spirit.

### ***Antonian Hall (1948)***

This hall was built on solid rock, which had previously grounded a lovely grassy area, St. Anthony’s Park. The theater in Antonian Hall was named in 1994 for Sister Rosemary Heyl,

composer, faculty, and chairwoman of the music department (1929-1985).

***Frances Warde Hall (1961)***

This hall was Carlow's first "dorm," which replaced five large old houses used previously as residences for boarders, each with two live-in sister moderators. Frances Warde (1810-1884) was one of the original Sisters of Mercy. In 1837, she founded the convent and school in Carlow, Ireland in 1843, she led a band of six sisters (ages 21 to 28) to America, destined for the new Diocese of Pittsburgh that was headed by Bishop Michael O'Connor. In Pittsburgh and Latrobe, she opened schools, an orphanage, two academies and Mercy Hospital. After leaving Pittsburgh, she founded over 100 schools, hospitals, and social service agencies from Maine to California.

***Dougherty Hall (1966)***

An addition to Frances Warde Hall was named for Mother Ireneaus Dougherty, co-founder and titular president of Mount Mercy College. Through her labors, Mount Mercy College was chartered by the Commonwealth of Pennsylvania in 1933.

***Curran Hall (1970)***

A business office renovated to house the nursing department, this building recalls the memory of Mother Rose Curran, nurse, and innovative superintendent of Mercy Hospital (1923-1934), as well as Mother General (1935-1940), who introduced the cooperative degree program between Mercy Hospital and Carlow University.

***Grace Library (1970) (now University Commons)***

The university library housed in the Commons is named for Sister Regis Grace, co-founder and first dean of Mount Mercy College. She received her PhD in philosophy from Notre Dame University via St. Vincent's Seminary, Latrobe. To her philosophy and Latin-Greek students, she would say, "Live life to the hilt, and love it."

***A.J. Palumbo Hall of Science and Technology (1999)***

The A.J. Palumbo Hall of Science and Technology is a 95,000 sq. ft. modern science center that has been called "the gateway to Oakland" by the Mayor of Pittsburgh. The building is named for the late A.J. Palumbo, a former trustee and benefactor of the University.

***Center for Leadership and Management (2002)***

The Center for Leadership and Management is the home of the School of Management. It was built as the rectory for the former Saint Agnes Parish.

***St. Agnes Center of Carlow University (2003)***

The former St. Agnes Church has been restored to its original grandeur and splendor with respect to its spiritual, artistic, and cultural heritage. Dedicated in 1917, this cathedral-style facility was the work of noted architect, John T. Comes. The façade of the building features an enormous, recessed rose window. Inside, a 185-foot center aisle leads to an altar made from Boticino, Italian marble and other imported marbles. The vaulted ceilings are decorated with a

series of intricately hand-painted designs, including a majestic mural over the altar. Today, the church houses the St. Agnes Center of Carlow University.

## Chapter 2: Carlow University Policies

### Foundation

The purpose of the following University policies and procedures is to guide the unfettered access to a comprehensive and developmental learning experience. Students should expect to have full access to all learning environments, activities, and programs offered for which admission criteria are met. Students engage under the expectation that they are to understand and follow all University and Student Code of Conduct policies for the purpose of facilitating an open learning environment free from disruption, providing equal access, and promoting the general welfare and safety of the community.

### Regard for Dignity and Worth

The University regards the degree to which relationships are mutually beneficial to each other, and the broader Pittsburgh community, as fundamental to how we demonstrate and measure our values. In keeping with its core value of the sacredness of creation, Carlow University strives to and expects that everyone will create and maintain a safe and supportive climate in which the inherent dignity and worth of each person is enhanced and celebrated.

Grounded in the Catholic Mercy heritage, we honor the Catholic Church, believe that sexual relations, interaction, and intimacy should only occur within the committed marital relationship in which persons have mutually committed, legally, spiritually, to honor, and enhance one another's dignity and worth.

Because the University is an inclusive learning environment, we recognize differences in approach to mutual relationships and the commitment to protection within intimate relationships is a priority when any partner is at risk.

### Student Influence on Policy Development

Carlow University maintains a focus on student success and degree completion. To that end, students are encouraged to review, make suggestions, and advocate for University and Student Code of Conduct policies that enhance their overall well-being and success. Responsible University administrators remain open to inquiries and working with students to consider policy changes or development.

For undergraduate students in particular, “[t]he purpose of the Student Government Association is to promote the general welfare of the students as partners with administration, faculty, and staff in general governance.” (SGA Constitution). Students are encouraged to seek SGA representatives when they have general welfare concerns that include, but are not limited to, the formulation and modification of policies that affect academic, student affairs, and general areas of the University. SGA remains available as the primary advocating body for student welfare and success.

## **Children on Campus Policy**

Carlow University's approach to the presence of visitors on campus, and particularly children, is rooted in our Mercy heritage and our values of Hospitality and the Sacredness of Creation. We honor our founding as an institution devoted to women that foster learning environments where community members experience empathy and mutual respect while understanding the value of inclusion, flexibility, and collaboration. This community recognizes that childcare is a social justice issue in the United States. Due to lack of systemic and institutional options, parents and caregivers are often challenged to care for children when emergencies arise.

Carlow University is a complex environment of classrooms, offices, laboratories, recreation, and other common area spaces. Some spaces on campus are designated for use by the Carlow Campus Laboratory School. Other portions of the campus were not specifically designed for use by children. This policy is instituted to better promote and ensure the safety of children. For purposes of this policy, "children" are defined as minors under the age of 18 who are not students enrolled in Carlow University. Within this environment, Carlow University is committed to the health and safety of all members and their visitors. Visitors to campus are welcome and encouraged. At the same time, we take appropriate precautions and may place limitations on visitation as necessary to protect the health and safety of everyone on campus and to promote a positive University learning environment.

All Carlow University and Campus Laboratory School faculty and staff are responsible for understanding and complying with this policy. Additionally, anyone having direct contact with children on campus shall have first complied with all applicable legal requirements, such as child abuse clearances and criminal background checks, as detailed in any other Carlow University policy.

### ***General Guidelines for all Persons and Spaces on the Carlow Campus***

A general principle underlying this policy is that the presence of children on campus is never to be the preferred substitute for childcare arrangements. We respect the occasional need for faculty, students, and staff to bring children with them to campus. These guidelines are envisioned to address temporary, unexpected, emergency situations in which minors are brought to campus. Responsibility for a child who is brought to campus and who is not at that time a part of a campus sponsored program remains with the parent (grandparent, guardian, caregiver). The responsible person is expected to abide by all aspects of this policy.

The following guidelines apply to all visitors, students and employees bringing children or minors to campus:

1. A parent or guardian, or an adult over the age of 18 designated by the parent or guardian, shall provide direct supervision of their children or other children in their care when on campus.
2. Line of sight supervision of children is always required to ensure safety and respect, provided by parents or designated person over the age of 18 who is employed by the parent to provide that supervision.

3. Children may not be left unattended on campus or properties operated by the University.
4. Children shall not interfere with educational or workplace activities.
5. Children shall not play or loiter in parking lots, entranceways, doorways, stairwells, or balconies.

### ***Emergency Situations***

Carlow recognizes that documented emergency situations arise during which special arrangements for children will need to be made. Faculty, staff, and students are encouraged to work together with appropriate supervisory personnel to develop solutions for childcare issues (e.g.: posting course content online, allowing assignments to be submitted online, teaching/working from home) within University and Human Resources policies. Consideration must also be given to the nature of the documented emergency and the safety of all involved.

### ***Work/Co-curricular Learning Areas***

As Carlow University is first and foremost a place of learning, care should be taken to maintain decorum and to avoid disrupting learning activities and University operation. Faculty and staff are expected to make appropriate arrangements for children and dependents. At no time should such arrangements impede the facilitation of intended student learning experiences or University operation.

Therefore, children are generally NOT permitted in the following areas owned or operated by Carlow University:

- Laboratories, mechanical/ tool shops, studios, mechanical rooms, power plants, garages, and rooftops;
- Kitchens and other food preparation areas;
- Areas where power tools or machinery with exposed moving parts are located;
- Areas where grounds equipment or other motorized equipment are parked, stored, or maintained;
- Construction zones or other indoor or outdoor areas under construction;
- Other areas on campus that could reasonably pose a unique danger to children or minors.

### ***Classrooms***

If a documented emergency arises that necessitates children be brought to classrooms by their parents/caregivers, instructors must obtain supervisory approval prior to bringing children into the workplace as noted above or make alternative arrangements for class delivery. For students, the instructor of the course, and the parent/guardian of the child, will work together to ensure the safety of the child. Through this collaboration between instructor and parent/caregiver, it will be determined if the physical and emotional safety of the child can be maintained in the classroom environment with the material scheduled for presentation. This includes consideration for others in the classroom to assure the learning environment can be maintained without disruption.

### ***Carlow Events***

Children are welcome on campus to attend social and cultural events. Parents/caregivers are responsible for assuring the appropriate conduct of children at such events so as not to become disruptive to the environment.

### ***Campus Laboratory School***

The Campus Laboratory School of Carlow University staff is responsible for the safety and supervision of the Campus Laboratory School minor students in their care at all times when in session and at any time those minor children are engaged in school-related activities on or off campus. Adults and other personnel having direct contact with minor children through Campus Laboratory School operations are required to obtain proper training and clearances. Persons entering the school, including the Tiernan Hall dining area, must be escorted by school staff or have on file proper training and clearances.

Additionally, Campus Laboratory School staff or other person(s) specifically responsible for the safety and supervision of children participating in any Campus Laboratory School summer camps or other special events or programs on or off campus shall be considered to be in loco parentis (Latin for "in the place of a parent") with respect to the children in their care and shall supervise such children at all times according to this policy.

### ***Guidelines for Carlow Hosted Camps and Enrollment Events***

Carlow University hosts a variety of evening, weekend, and summer camp learning experiences and enrollment events for minor children. Carlow University faculty and staff coordinating the events are responsible for the safety and supervision of the minor students in their care at all times when the event is in session. Additional support and student leadership staff may be required to be present.

Additionally, for purposes of this policy, any Carlow University faculty, staff, or other person specifically responsible for the safety and supervision of children participating in any Carlow evening, weekend, summer, special event, or program on University owned or operated property shall be considered to be in loco parentis (Latin for "in the place of a parent") with respect to the children in their care and shall supervise such children at all times according to this policy.

### **Commitment to the Common Good**

Students will be expected to adopt good public health hygiene measures to prevent the spread and contraction of all viruses, including COVID-19. Specifically, students are expected to:

- Stay home, or in-Residence Hall rooms, if feeling sick or experiencing symptoms. Contact Health Services or your primary care physician (PCP) regarding symptoms and recommendations.
- Wear a mask and social distance when appropriate – these measures continue to be effective at preventing the transmission of viruses

- Practice good hand hygiene by either washing hands often with soap and water for at least 20 seconds or by using alcohol-based hand sanitizer which contains at least 60% alcohol

## Dining Hall & Meal Plan Policy

Dining Hall regulations apply to Tiernan Cafeteria, Frank B. Fuhrer Café, and the Celtic Café. Students may use meal swipes to purchase meals as outlined by the selected meal plans including occasional meals for another student or visitor. The Student ID card functions as the meal card.

It is Federal law that shoes must always be worn in food service and dining areas. Food service items (silverware, plates, glasses, trays) cannot be removed from campus dining rooms.

Transfer of a meal card, or the use of a meal card by anyone other than its owner, is prohibited. Throwing of food and/or equipment and supplies is prohibited. Willful destruction of equipment and supplies is prohibited. Students using Tiernan may not share food with non-paying visitors.

Violation of the above regulations can result in possible disciplinary action, loss of dining privileges, and/or criminal charges. Take away trays can be obtained by making special arrangements, and bag lunches can be obtained in special cases when a student must be in class or off campus for a school function during dining hall hours.

Carlow University resident students are required to participate in one of the meal plans offered on campus. The four options offered are available due to credit standing. First year students and sophomore students may select either the Celtic 17 or Celtic 15 plan. Junior students may select from the Celtic plans above or the Celtic 13 plan. Senior students are eligible to select any plan as well as the Celtic 10 plan. Each plan includes meals per week and flex dollar amount. Carlow Cash can be added to student meal plans by visiting the Student HUB.

Flex dollars can be used at the Frank B. Fuhrer Café in the University Commons as well as the Celtic Café in A.J. Palumbo Hall of Science and Technology.

Flex and Carlow Cash can also be used with the vending machines on the 1st Floor of the University Commons. The vending machines require you to swipe your ID card for payment. If an individual does not have enough Flex dollars to finish a transaction, Carlow cash will be used if available.

Student meal plans can also be used at the University of Pittsburgh dining locations for meal swipe/cash equivalencies. These locations include:

- Burrito Bowl, Chick-Fil-A, and Shake Smart – 3719 Terrace Street
- The Perch – Sutherland Hall – 3725 Sutherland Drive
- The Eatery – The Towers – 3990 Fifth Avenue

Before 10:30 a.m., students have one meal swipe available that can be used at the Celtic Café, Frank's Café, or at any of the Pitt Dining locations per day. Students will have one more meal

swipe after 10:30 a.m. that can be used at the Celtic Café, Frank's, or any of the Pitt Dining locations per day. Meal swipes can be used at Tiernan during regular operating hours. As a clarification, students may use their meal swipes up to four times per day. Please note at this time that only Carlow Cash can be used at these locations if a meal swipe is unavailable.

Meal plans are only available when the residence halls are open during the academic year. If you have classes scheduled during a meal, please talk to the General Manager of Food Service to plan for getting a meal outside of that time frame.

Exceptions to this policy are made for health reasons only and must be approved as accommodation by the Director of Disabilities Services. Related letters and medical documents should be submitted to the Executive Director of Health and Counseling Services.

## **Disabilities Services Policies**

Carlow University makes accommodations to provide qualified students with disabilities access to Carlow's programs, activities, services, and facilities. Carlow does so in response to legal directives such as those set forth in the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, but also as part of its mission to provide transformational educational opportunities for a diverse community of learners and empowers them to excel in their chosen work as compassionate, responsible leaders in the creation of a just and merciful world.

### ***Detailed Guidelines for Seeking Accommodations for Disabilities***

For the University to respond appropriately to requests for accommodation, students are expected to follow certain guidelines and assume certain responsibilities. Information can be found on the Carlow website for [Disabilities Services](#). The student will engage in an interactive process with the Disabilities Services Office (DSO) which will carefully review information and documentation provided by a student, analyze each student's individual needs, and, together with the student, determine what accommodations may be reasonable and appropriate under the circumstances. To request accommodation, student should provide the University with current documentation from a licensed medical professional. A school plan such as an IEP may not be sufficient for this purpose.

### **[Student Accommodation Request](#)**

While documentation from professionals may include specific recommendations for accommodation, the University reserves the right to determine what accommodations are reasonable and appropriate within the University setting and within technical and academic requirements of the program. Students requesting accommodation must meet with the Director of Disabilities Services to discuss their upcoming schedule of classes, update any documentation, if necessary, and discuss accommodation.

### ***Implementation of Approved Accommodations***

The University may require a reasonable amount of time to review documentation which is

submitted seeking accommodation, to interview the student, and to take other necessary steps before approving and providing accommodation. Documentation and information regarding a disability are considered confidential and will be revealed only with prior written student permission, unless otherwise required by law. The University need not provide accommodations that would fundamentally alter the essential characteristics or nature of a program. The University may provide alternate accommodations if they are reasonable and appropriate to make the University's programs, activities, services, and facilities accessible to that individual. Accommodation is not retroactive; that is, they do not impact tests or work completed prior to the student's submission of documentation and the University's determination of any necessary accommodation. Students with disabilities have the same responsibility as other students to meet the University's academic, technical, and behavioral standards and to follow the University's general policies and guidelines regarding standards of conduct.

### ***Disability Accommodation Appeals***

Students have the right to appeal against the University's decisions regarding requests for accommodation by contacting the Director of Disabilities Services Office (DSO). It is important to note that complaints of specific types should be reported to the appropriate University representatives as follows: If the complaint is about the Director or staff of the DSO, then the complaint should be made to the Vice President of Student Affairs and Dean of Students. If the complaint is about the Vice President of Student Affairs and Dean of Students, then the complaint should be made to the Provost.

### ***Disability Discrimination Reporting Procedure***

Carlow has a complaint procedure to deal promptly and fairly with concerns and complaints about discrimination based on disability. Anyone may bring forward a concern of discrimination based on disability.

Complaints are handled as confidentially as possible to protect the rights of both the complainant and the person accused, consistent with an appropriate investigation.

Retaliation against any person who alleges discrimination or who reports or assists in the investigation of a complaint under this procedure is prohibited and may result in disciplinary action up to and including termination or expulsion from the University.

The complaint/grievance procedure will include (1) informal resolution, if possible, to encourage prompt review and resolution of a complaint; (2) formal resolution, involving possible investigation, if informal means do not resolve the matter; (3) a determination, in writing to all appropriate interested persons; and (4) an appeal process.

Further details of this procedure may be found on the Disability Services Office website under Policy and Guidelines Regarding Accommodations. A detailed description of the procedure can be found on the on [Disabilities Service page](#) the Carlow Website.

## **Equal Educational and Employment Opportunity Policy**

One of the core values of Carlow University is the Sacredness of Creation. We revere each person and all creation and the diversity they embody. The University, as an educational institution, and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. We respect our diversity as we are called to do in both the University's Mission and Core Values. Our commitment to inclusivity, respect, and acceptance informs every aspect of the University community.

Accordingly, the University prohibits and will not engage in discrimination or harassment on the bases of race, color, religion, sexual orientation, handicap or disability, sex, age, pregnancy, ancestry, national origin, place of birth, genetic information, gender identification, veteran's status, or any other category protected by federal, state, or local law. This policy applies to all programs and activities, with respect to both admissions and educational programs.

Questions and concerns about equal opportunity should be directed to the University's EEO Coordinators:

Mary Anne Koleny

Associate Vice President, Human Resources, Diversity, and Inclusion

Carlow University, 2nd Floor West Wing

Email: [hroffice@carlow.edu](mailto:hroffice@carlow.edu)

Jacqueline Smith

Director of Disabilities Services, and Title IX Coordinator, 504 Coordinator

University Commons Room 411E

Email: [dso@carlow.edu](mailto:dso@carlow.edu)

## **Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act, as amended (FERPA), is a federal law applicable to universities like Carlow and governs certain important student issues, including:

- FERPA allows students to have the right to inspect their own records.
- FERPA creates rules regarding the confidentiality and disclosure of education records.
- FERPA allows students to ask to have their records amended.

Under FERPA, students are provided the right to inspect their own educational records, to sign a waiver allowing parents or others to have access to their records, and to correct errors of fact in their records. University employees, in their administrative, supervisory, academic or support staff roles, may have access to student records if there is a legitimate educational need or interest in those records. Non-university personnel may only have access to student records under very specific and limited circumstances, including through court orders, and often must sign non-disclosure agreements for review of those records.

There are specific instances under FERPA when university personnel may communicate student information to parents of a dependent student. Those instances including health/safety emergencies, or a student's violation of any federal, state, or local law, or university rules governing the use or possession of alcohol or a controlled substance if Carlow determines that the student has committed a disciplinary violation with respect to that use or possession, and the student is under 21 at the time of the disclosure to the parent.

Identifiable student information considered "Student Directory Information" is not protected under FERPA. Directory information is personally identifiable information which may be disclosed without the student's consent. Carlow University designates the following information as directory information:

- a. Student's name
- b. Address: home, local, personal email, and Carlow email
- c. Telephone numbers
- d. Date and place of birth
- e. Program of study
- f. Participation in officially recognized activities and sports
- g. Dates of attendance
- h. Degrees and certificates awarded
- i. Most recent previously attended school
- j. Photograph of the student, if available
- k. Enrollment status (i.e., enrolled, continuing, future enrolled student, reentry, leave of absence, etc.)
- l. Student honors and awards received
- m. The height and weight of athletic team members

### ***Opting Out of the Directory***

A student may request that his or her information NOT be included as Student Directory Information. To do so, a student must complete the Request to Restrict Directory Information (OptOut) Form or otherwise submit written notice to the Registrar. Failure to request nondisclosure of directory information will result in routine disclosure of one or more of the above-designated categories of personally identifiable directory information. Carlow University does not provide directory information to marketing companies, including credit card companies and ring vendors.

### ***More information about FERPA***

Complete information regarding student rights under FERPA can be obtained at the following website: [FERPA](#). You can also visit the Carlow University Registrar's Office.

Students are afforded the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA by contacting:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue,  
SW Washington, DC 20202-5901

## **Freedom of Speech Policy**

### ***General Provisions***

Freedom of expression is central to the values of Carlow University. The University is committed to free and open inquiry and supports broad latitude for members of the Carlow community to speak, write, listen, challenge, and learn. As a Catholic university, we approach the issue of freedom of speech within the context of our identity and an intellectual tradition that fosters respect for an individual's freedom and opportunity to give voice to their beliefs.

This policy recognizes that freedom of expression, while expansive, is not absolute and can, in certain circumstances, be restricted. The freedom to debate and discuss the merits of competing ideas does not mean that individuals may say whatever they wish, wherever they wish. Infringing on the expression of views, either by interfering with a speaker or by defacing or removing properly posted or distributed notices or materials, will not be tolerated. Reasoned dissent is welcome at Carlow University; however, disruption of University activities is not. Members of the community are free to support causes by orderly means that do not disrupt the regular operation of the University community. Furthermore, the University may restrict expression that constitutes a genuine threat of harassment, invades an individual's right to privacy, or is defamatory. The University seeks to assure members of its community that they can continue in their academic pursuits without fear for their personal security or other serious intrusions on their ability to teach and to study. [\[1\]](#)

### ***Freedom of Speech and Assembly***

Members of the University community shall have the right to freedom of speech and assembly subject to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner as set forth herein.

Lawful and peaceable public demonstrations are permitted by the University. The University supports the assembly of people for free speech activities, including vigils, protests, demonstrations, and similar assemblies. These activities are permitted on the Carlow campus unless they significantly infringe on the rights of others, particularly the right to listen to a speech or lecture. [\[2\]](#)

All individuals and groups planning to engage in activities described in the previous paragraph shall seek approval from the Office of Student Affairs. Locations generally approved for these activities include the following: The Campus Green, AJP Atrium, and the University Commons. Use of the space will be assigned to the person or organization requesting the area first. University-sponsored events have priority on the use of campus grounds.

### ***Freedom of the Press***

Carlow University recognizes the educational and societal value of free and open discussions of issues and ideas. A learning community encourages free expression of widely varying views.

Members of the University community, in their publications or broadcasts, are entitled to protections of the constitutional right of freedom of the press, as set forth herein.

In the case of student publications sponsored by a college, school, department, or academic program, such publications shall be regulated in accordance with the procedures adopted by the sponsoring college, school, department, or academic program, which shall be consistent with this policy. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage. Reasonable and nondiscriminatory rules and regulations, consistent with these regulations, may be adopted regarding the posting of signs and notices, the distribution of commercial advertising materials, or the solicitation of funds. [\[3\]](#)

### ***Academic Freedom***

As stated by the AAUP, “[i]nstitutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research.” [\[4\]](#)

Accordingly, the faculty of Carlow University may pursue freely any subject of intellectual or artistic inquiry and shall not be subject to censorship, discipline, or intimidation. Faculty are entitled to full freedom in creative work and research, and in sharing the results through publication, performance, and exhibition. In the classroom, faculty are similarly free to determine the relevant content and manner of learning for the subject matter of their expertise, consistent with professional standards. “Academic freedom in its teaching aspect is fundamental for the protection of rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.” [\[5\]](#)

The academic freedom of teachers carries with it “special responsibilities” to observe professional ethics, as noted in the AAUP’s 1966 Statement on Professional Ethics. Faculty are also entitled to speak out on matters of institutional governance.

Academic freedom pertains to students as well as faculty. AAUP policy defines students’ freedom to learn as “depend[ing] upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community.” Like faculty, “students should exercise their freedom with responsibility.” [\[6\]](#)

### ***Conduct of Classes***

Discussion and expression of all views relevant to the subject matter of a class are recognized as necessary to the educational process. Ideas raised in the classroom that are broadly germane or

relevant to the matter at hand should be protected regardless of how controversial they might be. However, an instructor's own speech and the speech of students may be limited to that which is educationally relevant. A pedagogical intervention is educationally relevant if it assists students in better understanding a subject under consideration, either in the sense of acquiring greater cognitive mastery of that subject or in the sense of acquiring a more mature apprehension of the import of that subject, which is to say, an improved ability to experience and appreciate the significance of the subject. [\[7\]](#)

### ***Right to Form Student Organizations***

Students are free to organize and join associations to promote their common interests, and student organizations may be accorded use of University facilities and resources when available so long as such interests and use are compatible with the purposes and function of the University. No campus organization may discriminate based on race, color, religion, sex, sexual orientation, gender identity and expression, national origin, age, or disability.

Carlow University encourages student organizations to sponsor guest speakers whose presentations will contribute to the role of the university as a forum for intellectual discussion, debate, investigation, and artistic expression. The purpose of this forum is to provide an opportunity for students to hear and discuss opposing viewpoints on a wide range of issues. [\[8\]](#)

### ***Speaker Policy***

The right of the faculty and students to explore and examine ideas and opinions shall include the right to invite guest speakers. The principles of intellectual diversity require that a wide range of viewpoints be permitted to be heard on campus.

The following procedures are designed to ensure the free speech rights and physical safety of the invited speaker as well as all visitors and members of our community, regardless of whether they agree or disagree with the speaker. [\[9\]](#)

Members of the University community and their organizations have the right to invite speakers to address audiences on campus (at the expense of the organization and members) subject to reasonable and nondiscriminatory regulations governing the use of University facilities, the Student Organization Rules and Regulations and the Student Code of Conduct. The rights of speakers to speak and audiences to hear free from undue disruption and interference shall also be protected.

Any public event sponsored by faculty or staff, or Student Organizations is subject to the following guidelines:

The University reserves the right to regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. The University also reserves the right to review speakers and programs for proposed public events. The individual or group hosting such an event must reserve the place where it will occur in accordance following all university's registration requirements. It is the responsibility of the faculty, staff, or Student Organization to inform their dean or vice president of whether the speaker or event

intends to speak on a matter provocative in nature, or contrary to the mission of the University. If the speaker is intended to speak on a matter provocative in nature, it is incumbent upon the faculty or administrator to work with the campus police to draft a plan of security for the event.

In those cases, for which this review indicates significant risk to the community, the President and senior administration will work with event sponsors to determine measures to maximize safety and mitigate risk, if possible. The President and senior administration would consider canceling the event if a credible threat to the community cannot be mitigated by revisions to the event plan. [\[10\]](#)

These narrow exceptions to the general principle of freedom of expression should not be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.

This policy does not apply to speakers invited by the faculty of the University and sponsored by the faculty through their departments, programs, if the intended audience is limited to the University community, or if the presentation is part of a class presenting in an academic space (classrooms and lecture halls) as these presentations are governed by principles of academic freedom.

Use of the university's facilities does not imply endorsement by the University of the views and opinions of speakers or event organizers.

### ***Social Media***

This policy also applies to speech and expression that occurs on electronic resources (e.g., Carlow University and email accounts) and social media sites (e.g., Facebook and Twitter) owned, maintained, or controlled by Carlow. The university recognizes the vital role that social media can play in both expressing [free speech](#) and in communicating, collaborating, and interacting with students, faculty, staff, and the public. Please consult and follow the [Carlow University Social Media policy](#).

### ***Violations of the Free Speech Policy***

Violations of this policy by students will be handled by the disciplinary system administered through the Office of Student Affairs.

### ***Appeals of Scheduling or Location***

If a member of the University community or organization objects to the denial of a scheduling request or the assignment of a particular facility, the requesting member or organization shall have a right to appeal the denial or assignment to the Office of Student Affairs, which shall hear the appeal and render a decision as soon as reasonably practicable but no later than five days after the date of the appeal.

The decision of the Office of Student Affairs shall be final, except as to claims that the action of the Office of Student Affairs violates academic freedom or rights guaranteed by the United

States or Pennsylvania Constitutions. In such an instance, the appeal will be heard by an ad hoc committee chosen by the Provost and composed of one member of the faculty, one member of the staff, and one member of the student body. The recommendation of the committee shall be transmitted to the President for a final decision.

## **Information Technology Policies**

Carlow University IT Help! Services are available to support you with your academic technology needs. The best place to find up to date information is on MyCarlow under the Information Technology page.

As a student utilizing Carlow University technology systems, you are required to adhere to all University policies and procedures relating to technology. These can be found on Isadora under University policies. By utilizing the technology systems and your Carlow login, you are agreeing to adhere to these policies and procedures.

## **Student ID Replacement**

To prevent unauthorized use and charges, a student is responsible for reporting a card stolen with Campus Police.

Cardholders may obtain a replacement card by visiting Campus Police with proper identification. There is no charge for replacing non-functioning id cards that exhibit normal wear and tear. Cardholders will be charged a \$25 fee for lost, stolen, or damaged ID cards.

If an individual's name or status changes, a new ID card may be requested. There is no charge for the updated ID card if the previous card is given in exchange at the time of issuance. Valid identification must be presented when requesting a name change.

## **Physical Posting of Materials Policy**

The purpose of this policy is to support an inclusive environment at Carlow University while at the same time avoiding unnecessary materials on campus and prevent damage to the physical campus and facilities.

Physical posting of information and materials on the Carlow University campus is limited to general purpose bulletin boards provided throughout campus which are designed for such purposes.

Posters, flyers, and other materials may not be placed on interior or exterior walls, floors, doors, or windows of any building or on any utility poles, light poles, sidewalks, statues, or public art located on campus. Use of masking or duct tape, paste, glue, spray, rubber cement or other adhesives, nails, heavy gauge staples or other metal fasteners for posting is prohibited.

Other prohibited behavior includes posting messages or symbols on grassy areas or hanging banners on external surfaces or across expanses without first obtaining permission from

Student Affairs. Recognized student organizations and campus departments may request chalk (water soluble) outside on the non-brick sidewalk areas from the Office of Student Affairs.

Prior to posting anything covered by this Policy, approval must be obtained from the Office of Student Affairs. The materials to be posted must be stamped with the appropriate permission stamp. This approval can be obtained by visiting the Office of Student Affairs during office hours.

All posted information and materials must include the name of the sponsoring organization and department or responsible individual, as well as the date, time and location of any program or event identified on the posting.

All materials approved for posting must be removed within 24 hours of the conclusion or completion of the program or event which is the subject of the posted materials. For general posting not having an expiration date, the posting party is responsible for ensuring that the posted materials remain intact and for removing any damaged materials.

Any member of the Carlow Community may remove materials that are improperly posted or have expired, without notice to the posting party. Persons or organizations that violate the posting policy may have their posting privileges revoked and may be liable for damage to University property caused by the improper postings.

## **Smoke and Tobacco Free Campus Policy**

Carlow University strives to create and maintain a healthy, welcoming environment for all University students, Campus School students, staff, faculty, and visitors. We are committed to helping all members of our community make healthy choices that respect the rights of others. Carlow University is a smoke-free campus. This means that no tobacco or other smokable products, including cigarettes, cigars, pipes, hookahs, chewing tobacco, cigarettes, and vapor cigarettes, will be permitted on campus. Members of the community must leave Carlow property before using tobacco in any form.

Many resources are available for those who use tobacco products and wish to stop. University Health Services and Wellness and Fitness Services have information and support programs for anyone who needs them: Contact 412.578.6474 for help.

## **Social Media Policy**

This policy defines how internal stakeholders (faculty, staff, and students) should use and share information about Carlow University on its social media platforms.

Social media refers to services that allow the sharing of information and content in the formation of communities through online and mobile networks of people. Examples include, but are not limited to, Facebook, Twitter, Instagram, LinkedIn, YouTube, and Pinterest. Marketing and Communications is responsible for the posting and management of Carlow

University's primary social media channels and oversight of all Carlow-affiliated social media channels.

The purpose of using social media:

- Start or continue conversations
- Build and maintain strong relationships with our online community
- Promote programs and events
- Promote enrollment
- Share stories about the University, students, alumni, and the Carlow community
- Reach followers with last-minute news and alerts

For complete details for this policy, please refer to the full policy [document](#) on Isadora.

## Student Health Emergency Policy

If a public health emergency occurs, such as the COVID-19 pandemic, and continues to be an evolving situation that impacts the higher education learning environment, the university may choose to implement a Student Health Emergency Policy to manage the situation. Such a policy would address how the university will help mitigate the impact of the public health emergency, maintain the safety of the campus community, and maintain a comprehensive learning experience. Students will be expected to abide with established policies and expectations while enrolled at Carlow University during the designated policy implementation period. The University reserves the right to alter and change established policies in response to changing conditions with reasonable notice.

## COVID 19 Vaccine

The University strongly recommends that students stay up to date with Covid 19 vaccines and boosters, though are NOT required to do so. Widespread vaccination represents a critical step in reducing the impact of the COVID-19 pandemic virus and has benefitted University operation. Research to date has demonstrated the currently authorized and recommended vaccines are an effective combatant against contracting the COVID-19 virus, and Carlow believes vaccination to be a demonstration of our commitment to the common good.

- ***Vaccination Status Disclosure Required***

Carlow University requires students to report their vaccination status on their standard health forms to inform effective treatment. Students will report information directly to Health Services. Information will be gathered in aggregate form to guide University policy, prevention, and mitigation decisions.

- ***Vaccination Strongly Recommended for Fully Remote Students\****

Students taking classes in a fully remote status are also strongly encouraged to

remain up to date on vaccinations. “Fully remote” is defined as any student who does not or will not take part in an on-campus course or activity at any time during the year.

- ***Vaccination Waivers Available for Medical and Religious Reasons***

Students may request a waiver from the vaccination requirements based on medical or religious exemption. All exemption forms must be completed in their entirety, including a signature from the student, religious affiliate, or physician. Please contact the Student Health Center for details. No student receiving an exemption will be prevented from fully participating in courses, campus activities, athletics or residential living. However, exemptions may not be approved at off-site agencies hosting clinical or other experiential learning experiences. Please consult your academic program director for details.

- ***Program-Specific Vaccine Requirements***

Students may be required to demonstrate vaccinations for purposes of participating in experiential learning requirements (such as, but not limited to, internships, clinical rotations, student teaching and study abroad) specific to programs or chosen experience providers. Students will be directed to work with their faculty and faculty advisors on specific requirements that may apply, including when waivers are not accepted.

### **Symptomatic Monitoring and Response**

Preventing contraction and spread of any virus, including the COVID-19 virus, contributes to the University’s effective student health emergency response. For the latest guidance on prevention measures, please see information from the CDC [by clicking here](#). Students are expected to self-monitor themselves for symptoms, contact Health Services if symptoms develop, and quarantine and/or isolate per [CDC updated guidance here](#). Students who test positive should remain in place and immediately contact [Health Services](#) by calling (412) 578-6474.

### **Face Masks Optional**

The University will adopt practices consistent with CDC, Commonwealth of Pennsylvania, and Allegheny County Health Department recommendations. **Carlow University is mask optional and does NOT require individuals, regardless of vaccination status, to wear properly fitting masks indoors.** Individuals are encouraged to determine whether they deem wearing a mask appropriate and wear a mask as desired. Should conditions deteriorate in a health emergency, the University may update the mask optional policy status to masks required with proper and reasonable notice.

## **Student Medical Insurance Policy**

The University mandates student athletes to carry health insurance. For more information, contact the Athletics Department.

Additionally, some of our academic programs have field or clinical components that may require students to carry health insurance during these experiences. Please check with your academic department for more information.

## **Timely Warning Policy**

The Carlow University Police Department is responsible for issuing timely warnings in compliance with the Jeanne Clery Act, 20 U.S.C. 1092(f). Timely warnings will be issued in response to reported crimes committed either on campus or, in some cases, off campus that, in the judgment of the University, constitute an ongoing or continuing threat to students and staff and faculty.

Anyone with information believed to warrant a timely warning should promptly report the circumstances to the Police Department by phone on 412.578.6007, or in person at the dispatch center in Frances Warde Hall.

The Police Department will consult, as appropriate and necessary, with other university officials regarding whether a timely warning should be issued. The decision to issue a timely warning shall be made on a case-by-case basis after consideration of the available facts, including factors such as the nature of the crime, the continuing danger or risk to the campus community, and the possible risk of compromising law enforcement efforts.

Timely warnings are considered for the following classifications of reported crimes: criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson. Timely warnings may also be issued for other reported crimes as deemed appropriate under the circumstances. The decision will be made in compliance with the Clery Act and to prevent similar crimes from occurring.

### ***Procedure***

When a determination is made that a timely warning should be issued, the Police Department will take one or more appropriate steps to ensure timely notification of the campus community.

Options for notification include, but are not necessarily limited to:

- The university's mass notification system (phone, text, and email). Enroll to receive these notifications via the e2Campus site
- Campus-wide e-mails
- Campus-wide phone notifications
- Physical postings on doors and bulletin boards
- the Police Department website

The warnings will include some or all the following information:

- Date, time, and location of the reported crime

- Summary of the incident
- Description of the suspect and/or vehicle, if available
- Any other special instructions or incident specific safety

## Chapter 3: Carlow Equal Opportunity, Harassment and Non-Discrimination Policy

Carlow University is committed to providing a workplace and educational environment that is 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 or harassment on the basis of protected class status, and for 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. The University does not discriminate on the basis of race, color, sex (including pregnancy and parenting status), gender, gender identity or manifestation, genetic information, sexual orientation, religion, age, marital status, national origin, disability, veteran status, or any other basis prohibited by the Civil Rights Act of 1964, Title IX, section 504 of the Rehabilitation Act, Title III of the Americans with Disability Act, and applicable federal, state, or local laws and University policy.

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. Sex/gender-based discrimination is treating someone unfavorably because of that person's sex, gender identity, including transgender status, and/or of sexual orientation. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

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. Carlow University's Policy addresses misconduct on the basis of sex that includes sexual harassment, sexual assault, dating or domestic violence or stalking. Any person believing that they have been subjected to harassment based on sex or gender, or is subjected to sexual misconduct, may file a complaint or formal report with Carlow University's Title IX Coordinator. All sex/gender harassment or misconduct allegations are subject to the procedural guidelines set forth in the Carlow University Policy on Sexual Harassment, Discrimination and Sexual Misconduct in Chapter 6 of the Student Handbook. All other forms of protected class harassment or discrimination, including sex/gender discrimination not falling within Title IX regulations or deemed more appropriate for conduct review, will be addressed through the policy in Chapter 5 of the

Student Handbook.

All Carlow University students, faculty and staff are covered under the Carlow Equal Opportunity, Harassment and Non-Discrimination Policy, as are third party on Carlow property or participating in Carlow-sponsored or related activities.

This policy applies to all members of the Carlow community who experience harassment or discrimination based on a protected class on all University campuses, 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 extend this policy to incidents occurring off campus that involve students and allegations of violation of University policy.

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

Inquiries can be made to the following:

**For Employees, applicants, invited guests and vendors**

Mary Anne Koleny  
Associate Vice President, Human Resources, Diversity, and Inclusion  
Carlow University, 2nd Floor West Wing  
3333 Fifth Avenue  
Pittsburgh, PA 15213  
Office: 412-578-  
[Email: hroffice@carlow.edu](mailto:hroffice@carlow.edu)

**For Students, prospective students**

Jacqueline M. Smith  
Director of Disabilities Services Office;  
Title IX Coordinator; 504 Coordinator  
Carlow University, 4th Floor University Commons  
3333 Fifth Avenue  
Pittsburgh, PA 15213  
Office: 412-578-6050  
[titleix@carlow.edu](mailto:titleix@carlow.edu)

## 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, [titleix@carlow.edu](mailto:titleix@carlow.edu)
- Deputy Coordinators:
  - Assistant Dean of Students
  - Mary Anne Koleny, Associate Vice President, Human Resources, Diversity, and Inclusion, Office: 412-578-6015, [hroffice@carlow.edu](mailto:hroffice@carlow.edu)
  - Louis Zadecky, Director of Athletics, 412.578.8826, [lvzadecky@carlow.edu](mailto:lvzadecky@carlow.edu)
  - Andrew Roberts, Coordinator of Student Activities and Residence Life, 412-578-8862
  - Cecelia Martz, Coordinator of Resident Life and Housing, 412-578-8776
  - Graduate Resident Directors
  - Resident Assistants
  - University Police, 412.578.6007
  - Erin Tunney, Director of Gender-Based Violence Prevention, 412.578.6034, [emtunney@carlow.edu](mailto:emtunney@carlow.edu)

## Confidential Campus Resources

- Health and Counseling Services, 412.578.6474, [hcs@carlow.edu](mailto:hcs@carlow.edu)
- Director of Campus Ministries, 412.578.6651, [skdewitt@carlow.edu](mailto:skdewitt@carlow.edu)
- Assistant to the President for Mercy Heritage, 412.578.6424, [sacarney@carlow.edu](mailto:sacarney@carlow.edu)

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

Office for Civil Rights (OCR) Mid-Atlantic Region  
Jamie Rahn Ballay, Regional Manager  
Office for Civil Rights  
U.S. Department of Health and Human Services  
801 Market Street, Suite 9300  
Philadelphia, PA 19107-3134  
Customer Response Center: (800) 368-1019  
Fax: (202) 619-3818  
TDD: (800) 537-7697  
Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

If an incident involves alleged misconduct by the Title IX Coordinator, reports should be made

directly to Mary Anne Koleny, Associate Vice President, Human Resources, Diversity, and Inclusion, [hroffice@carlow.edu](mailto:hroffice@carlow.edu)

### ***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.

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

The University 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:

- Refer to counseling, medical, and/or other healthcare services
- Refer to community-based service providers
- Refer to visa and immigration assistance
- Counsel regarding Financial Aid
- Educate to the community or community subgroup(s)
- Alter campus housing assignment(s)
- Alter work arrangements for student-employees
- Assist in safety planning
- Provide campus safety escorts
- Provide transportation accommodations
- Implement contact limitations (no contact orders) between the parties\*
- Extensions of deadlines, or other course/program-related adjustments
- Increase security and monitoring of certain areas of the campus
- Alert for timely warnings
- Any other actions deemed appropriate by the Title IX Coordinator

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

## 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 and/or signed by a Complainant 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.

**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 of a preponderance of the evidence that the conduct did or did not occur as alleged.

**Administrative Process Pool:** includes any investigators, hearing officers, appeal officers, and process advisors who may perform any or all 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; may include external investigators, hearing facilitators, or advisors

**Investigator:** the person or persons charged by Carlow 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.

**Responsible Employee:** 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]. For purposes of this definition, these individuals are not necessary.

**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.

**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)

**Remedies:** post-finding actions for 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 Administrative Process.

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.

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

## **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 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.

### ***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](#).

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.

### ***Reporting Offences Under This Policy***

Carlow University strives to create an environment free from harassment and discrimination. We encourage students and employees to report violations of this policy to the University. The University takes all allegations seriously and acts to determine support, evidence, and fundamentally fair process.

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. If an employee has a complaint about behavior that violates this policy, they can report the complaint through our Employee Complaint Procedure or if the employee prefers to remain anonymous, they can refer to our Report It Hotline that is outlined in our Reporting Wrongful Conduct Whistleblower policy.

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.

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

### ***Anonymous Notice to Responsible Employee employees (OWAs)***

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. To make an anonymous report use, please click on the [Anonymous Report Form](#).

Anonymous Reports for employees or students can also be made through our Ethics Hotline that is referenced in our Reporting Wrongful Conduct and Whistleblower Policy. Once a report is submitted through this Hotline, the University Conduct Board will review and investigate accordingly based on the type of claim.

A report can be made using this toll-free number is 1- 877-778-5463. This hotline is available 24 hours a day and users may choose to report anonymously.

You can also fill out a form on the private designated webpage: [www.reportit.net](http://www.reportit.net). Click through to "reportitthere" and the username is [Carlow](#), and the password is [Celtics](#).

Complaints filed to the hotline will be forwarded to the Title IX Coordinator for review, investigation, and resolution as determined appropriate. The Title IX Coordinator will review the claims to determine if the claims to determine if the claim could be identified as a violation of our Title IX policy or the Carlow Equal Opportunity, Harassment and Non-Discrimination Policy and if so, an investigation will be facilitated per outlined procedures.

At the request of a Complainant, notice may be given by a Responsible Employee to the named Official With Authority (OWA) or Campus Security Authority (CSA) anonymously, without identification of the Complainant. The Responsible Employee cannot remain anonymous

themselves.

If a Complainant has requested that a Responsible Employee maintain the Complainant's anonymity, the Responsible Employee may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Responsible Employee 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 Responsible Employee, but all other details must be shared with the Title IX Coordinator. Responsible Employees 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.

\*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.

### ***Notice/Complaint***

Upon receipt of a complaint or notice to the University 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 complaint process includes an investigation and a hearing.

The investigation and complaint 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.

### ***Responsible Employees and Formal Notice/Complaints***

All Carlow employees are mandated reporters, except for those who are designated as Confidential Resources, and must promptly share with the Title IX Coordinator all known details of a report of harassment or discrimination 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 Responsible Employees, as those details must be shared in an investigation or hearing.

The following circumstances do not provide notice that must be reported by employees, unless the Complainant clearly indicates that they desire a report to be made or seek a specific response from Carlow University: Disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events, marches, or speak-outs.

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

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

Though this may seem obvious, when a Responsible Employee 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 Responsible Employee unless the harasser does in fact report themselves.

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

Internal campus proceedings and external legal processes are conducted independent of each other and the outcome of one does not necessarily influence the other. Administrative internal action may be subject to legal subpoena.

### ***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 considering the duty to ensure the safety of the campus and to comply with state or federal law.

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 the University and to have the incidents investigated and properly resolved through these procedures.

### ***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 Carlow University 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 the University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies.

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, Carlow University 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.

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.

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, medical facility, or other officials).

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 the fact that collateral misconduct is typically addressed for all students within a progressive discipline system and is not based on sex or gender. The rationale for amnesty – the incentive to report serious misconduct – may not be applicable to Respondent with respect to a Complainant.

## **Resolution Process Overview**

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

Unionized/other categorized employees are subject to the terms of their Collective Bargaining agreement or other contracts 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 harassment or discrimination (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.

### ***Retaliation***

Individuals who engage in the protected activities below may expect to be protected from retaliation:

- reporting an incident that may initiate 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 at [titleix@carlow.edu](mailto:titleix@carlow.edu) and will be promptly investigated. Carlow University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

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.

It is prohibited for Carlow University or any member of the University’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.

Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith during a complaint 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.

### ***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 the purpose 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 Advisor 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).

### ***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.

## **Procedures**

### ***Filing a Complaint***

The University will promptly and equitably receive and review all formal complaints. A formal

complaint must be filed in writing and signed by the 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***

In a formal investigation process 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.

### ***Equitable Treatment***

All parties will be treated equitably. If found that the policy has been violated, remedies will be enacted. Supportive measures will be provided for the complainant at the initiation of the process. 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 of a disciplinary nature against the respondent when resulting from a finding of a violation of the policy. Those presenting documented disabilities will receive appropriate accommodation if requested.

### ***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, i.e., need to provide language assistance or accommodations for disabilities, or scheduled academic breaks, though not for criminal process, absence of party or witness, or absence of party's advisor.

### ***Investigation and Evaluation of Evidence***

Evidence will be 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, the respondent will be presumed not responsible 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. The hearings will be live, though adjustments will be made to permit participation without being present face-to-face if desired. Hearings will be conducted by a Hearing Administrator for the purpose of facilitating the process, although this person or persons will not serve as a decision-maker. A panel will be the decision-maker. Neither party nor witnesses are required to participate in this hearing process. All hearings will be documented through audio recording and maintained by the University. No transcripts will be permitted, created, or provided. Arrangements to review audio for the purpose of appeal may be permitted upon request. All hearing materials remain the sole property of Carlow University.

### ***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 consider 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: 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 Paper: 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 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. 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. 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 Privileges: Loss of privilege refers to the withdrawal of the use of a service, participation in an activity, or other withdrawal of privileges consistent with 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 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. 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 to 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.

## Chapter 4: Sexual Harassment, Discrimination, And Sexual Misconduct Policy And Procedure

**Applies to: Faculty, Staff and Students**

### **PART I POLICY**

#### **TITLE IX AND UNIVERSITY STANDARDS FOR NON-DISCRIMINATION**

Carlow University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, which are free from sexual harassment, discrimination, sexual misconduct, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the University initiates student orientation, training, and educational programs designed to clarify expectations, develop skills, and prevent the likelihood that policy violations occur. In the event incidents arise, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment, sexual misconduct, or retaliation.

Carlow values and upholds 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.

Carlow University adheres to all federal, state, and local civil rights laws prohibiting discrimination in employment and education. The University does not discriminate in its admissions practices, in its employment practices, or in its educational programs or activities on the basis of sex/gender. As a recipient of federal financial assistance for education activities, Carlow University is required by Title IX of the Education Amendments of 1972 to ensure that all its education programs and activities do not discriminate on the basis of sex and gender. Sexual harassment, sexual assault, dating and domestic violence, stalking and sexual exploitation are prohibited under Title IX and by University policy. The law and University policy prohibit discrimination and harassment of employees or discrimination and harassment between members of the University community (including for example, between an instructor and a student, between two students, or between a student and an applicant or campus guest).

Carlow University also prohibits retaliation against any person participating in good faith in any discrimination investigation or complaint process, internal or external to the institution; for bringing a complaint of discrimination or harassment; for assisting someone with such a complaint; and/or for attempting to stop discrimination or harassment.

Any member of the campus community, guest or visitor who acts to deny, deprive, or limit the

educational, employment, or social access opportunities and/or benefits of any member of the Carlow University community on the basis of sex is in violation of this policy.

Any person may report sex harassment, discrimination, or other forms of sexual misconduct, whether or not the person reporting is the person alleged to have experienced the conduct. Reports may be made by telephone or email using the contact information listed below for the Title IX Coordinator. Reports can be made any time, including during non-business hours, by accessing the Title IX reporting form link: [Make a Report](#)

This policy applies in all University programs and activities, including, but not limited to, discrimination in athletics, instruction, grading, and University employment. It is central to the values of the University that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

All Carlow University students, faculty and staff-are covered under this policy, as are third parties on Carlow-controlled 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 property 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 a student or Carlow representative. The University may choose, at its discretion, to extend this policy to incidents occurring off campus at non-Carlow sponsored functions that involve students and allegations of violation of University policy.

Questions regarding Title IX or this policy, including its application and/or concerns about noncompliance, should be directed to the Title IX Coordinator. All complaints or any concerns about conduct that may violate this policy and retaliation should be filed with:

Jacqueline M. Smith  
Title IX Coordinator  
Carlow University  
3333 Fifth Avenue  
Pittsburgh, PA 15213  
412-578-6050  
[titleix@carlow.edu](mailto:titleix@carlow.edu)

## **SCOPE OF POLICY**

The purpose of this policy is the prohibition of sexual harassment, sexual misconduct, and retaliation. When an alleged violation of this policy is reported, those allegations are subject to review and resolution using the Grievance Process related to this policy. When the Respondent is a member of the Carlow community this Grievance Process will be available regardless of the

status of the Complainant, who may or may not be a member of the Carlow community. The Carlow community includes students, (including dual enrolled students) student organizations, faculty, administrators, staff and third parties such as guests, visitors, volunteers, invitees, and campers.

The Grievance Process may be applied to incidents, patterns of behavior and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

## DEFINITIONS

- **Actual Knowledge:** Official notice of sexual harassment or misconduct allegations to the University's Title IX Coordinator or any other University official who has authority to institute corrective measures on behalf of the University.
- **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 sexual harassment based on a protected class or retaliation for engaging in a protected activity.
- **Confidential Resource:** An employee who is not a Mandated Reporter of notice of harassment and/or retaliation.
- **Day:** A business day when the University is in normal operation.
- **Discrimination:** Conduct on the basis of sex/gender that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a University program or activity.
- **Education program or activity:** Locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- **Final Determination:** A conclusion by a preponderance of the evidence that the alleged conduct did or did not violate policy.
- **Finding:** A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged (as in a "finding of fact").
- **Formal Complaint:** A document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.
- **Formal Grievance Process:** A method of formal resolution designated by the University to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45) and with 3<sup>rd</sup>Circuit rulings.
- **Hearing Decision-maker or Panel:** Refers to those who have decision-making and sanctioning authority within the University's Formal Grievance process.

- **Investigator:** The person or persons charged by the University 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
- **Notice:** An employee, student, or third-party who informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- **Official with Authority (OWA):** An employee of the University explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation on behalf of the University.
- **Preponderance of the Evidence:** The standard of evidence applied in determining a violation of this policy. Generally considered to be “more likely than not” or “the greater weight of the evidence.”
- **Remedies:** Post-finding actions following a determination of a violation of this policy, provided to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University’s educational program.
- **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, sexual exploitation, or retaliation for engaging in a protected activity.
- **Responsible Reporter:** An employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator.
- **Resolution:** The result of an informal or Formal Grievance Process.
- **Sanction:** A consequence imposed by the University on a Respondent who is found to have violated this policy.
- **Sexual Exploitation:** When a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.
- **Sexual Harassment:** The umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence as set forth in Title IX regulations (34 CFR §106.30) and identified in detail in this policy.
- **Title IX Coordinator:** The official designated by the University to ensure compliance with Title IX and the 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:** The Title IX Coordinator, any deputy coordinators, and investigators responsible for overseeing designated elements of Title IX.

## TITLE IX COORDINATOR

The Title IX Coordinator is charged with coordinating the University’s compliance with state and federal civil rights laws. The Title IX Coordinator is not an advocate for either the Complainant

or the Respondent. The Title IX Coordinator will explain to both parties the informal and formal processes outlined below and the confidentiality provisions. Where appropriate, the Title IX Coordinator will provide to both parties' information about options for obtaining supportive measures including no contact orders, medical and counseling services; information about making a criminal report; information regarding academic support; information about receiving advocacy services, information about other helpful campus and community resources and safety measures.

The Title IX Coordinator will offer to coordinate with other campus officials, when appropriate, to implement interim measures such as no-contact orders, rearrangement of living arrangements, or academic accommodations. The Title IX Coordinator will describe the process of a fair and impartial investigation. The Title IX Coordinator will explain to both parties their right to have an advisor of their choice with them during their interviews and during the hearing stage of these procedures to conduct cross-examination. If a party does not have an advisor for the hearing to conduct cross-examination, the University must provide one. A party may not conduct cross examination personally.

If an individual does not want to pursue a complaint, the Title IX Coordinator will inform the individual that the University is limited in the actions it can take without the cooperation of the individual and will explain the full scope of supportive measures available. The individual making the report (Reporter) is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator to investigate and respond as appropriate. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation.

A complainant will not be denied supportive measures simply because they choose not to file a formal complaint. The Title IX Coordinator will also explain to parties and witnesses that retaliation for reporting alleged violations of the policy, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be immediately reported and will be promptly addressed.

The Title IX Coordinator accepts anonymous and third-party reports of conduct alleged to violate this Policy and will follow up on such reports.

In cases where the complainant chooses not to submit a formal report, but the circumstances informally reported are indicative of immediate harm to the complainant or to the wider Carlow community, the TIX-C can and may proceed with an investigation. Should that step be enacted, the TIX-C does not become the complainant and the original complainant may choose to submit a formal report at any time.

## **INDEPENDENCE AND CONFLICT OF INTEREST**

The Title IX Coordinator and members of the Title IX Team act with independence and authority

free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. Conflict of interest is a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity, and not merely that a person in their official capacity is known to parties in the complaint.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

Concerns of bias or a potential conflict of interest or reports of misconduct by any other Title IX Team member should be raised with the Title IX Coordinator.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, or report of misconduct committed by the Title IX Coordinator should contact the University President or designee.

Carlow University  
Office of the President  
3333 Fifth Avenue  
Pittsburgh, PA 15213  
412-578-6123

## **REPORTING**

Any individual may make a report of a violation of this policy to the Title IX Coordinator. Upon notice by a third party, the Title IX Coordinator will engage in outreach to the identified Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

## **CONFIDENTIAL RESOURCES**

Behavior which is impermissible under this policy should be reported. 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 by 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 Resources, listed below. These departments and agencies can help obtain necessary resources, provide emotional support, and plan for safety. These resources can help to understand reporting options and determine the best reporting path when there is uncertainty.

## INTERNAL RESOURCES

If a Complainant would like the details of an incident to be kept confidential, such complaints may be made to any of the following Confidential Resources:

- Health and Counseling Services, 412.578.6474, (Executive Director, Counselors, Director of Health Services)
- Director of Campus Ministries, 412.578.6651
- Assistant to the President for Mercy Heritage, 412.578.6424

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. Any student who has experienced sexual misconduct at any time, on or off campus, past or present, is encouraged to use these support services.

## 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, legal, and Title IX process. 412.431.5665.

**Women's Center and Shelter of Greater Pittsburgh** provides a shelter, assistance in obtaining protection orders, counseling, group work, 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. They also offer a men's program who have been abusive to their partners. 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-fromabuse/>

### Center for Victims

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

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

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 considered confidential resources.

All 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 resources will timely submit anonymous statistical information for Cleary Act purposes unless they believe it would be harmful to the individual reporting the incident.

## **NON-CONFIDENTIAL RESOURCES**

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

- Title IX Coordinator:
  - Jackie Smith, Director of Disabilities Services, 412.578.6050, [titleix@carlow.edu](mailto:titleix@carlow.edu)
- Deputy Coordinators:
  - Assistant Dean of Students
  - Mary Anne Koleny, Associate Vice President, Human Resources, Diversity, and Inclusion, Office: 412-578-6015, [hroffice@carlow.edu](mailto:hroffice@carlow.edu)
  - Louis Zadecky, Director of Athletics, 412.578.8826, [lvzadecky@carlow.edu](mailto:lvzadecky@carlow.edu)
  - Andrew Roberts, Coordinator of Student Activities and Residence Life, 412-578-8862
  - Cecelia Martz, Coordinator of Resident Life and Housing, 412-578-8776
  - Graduate Resident Directors
  - Resident Assistants
  - University Police, 412.578.6007
  - Erin Tunney, Director of Gender-Based Violence Prevention, 412.578.6034, [emtunney@carlow.edu](mailto:emtunney@carlow.edu)

## **ANONYMOUS REPORTING**

Report online, using the reporting [form](#). Anonymous reports are accepted and will be investigated to the extent possible. Carlow University tries to provide supportive measures to all Complainants, which is not necessarily feasible with an anonymous report. Anonymous reporting may also limit the ability of Carlow University to address concerns or provide remedies. 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. A 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.

## **RESPONSIBLE REPORTERS AND FORMAL NOTICE/COMPLAINTS**

All Carlow employees (including student employees), except for those who are designated as Confidential Resources, are Responsible 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 Responsible 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 Responsible Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of Carlow University policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Responsible 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 Responsible Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Responsible 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 Responsible Reporters, will report the complaint internally. Such complaints may trigger a legal obligation of the University to give notice of potential harm to others on campus. 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.

If a Complainant has requested that a Responsible Reporter, described in more detail above, maintain the Complainant’s anonymity, the Responsible Reporter may do so unless it is

reasonable to believe that a compelling threat to health or safety could exist. The Responsible Reporter will consult with the Title IX Coordinator on that assessment and share information of concern without revealing personally identifiable information. The Responsible Reporter cannot remain anonymous themselves. Responsible 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.

## **SUPPORTIVE MEASURES**

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment 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 University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter sexual harassment 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, the University will inform the Complainant, in writing, that they may file a formal complaint with the University 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 University will maintain the privacy of the supportive measures if privacy does not impair the University's ability to provide the supportive measures. University will act to ensure as minimal an academic or occupational impact on the parties as possible.

The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- 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.

### **EMERGENCY REMOVAL**

The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX.

There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration of the removal during the period of the investigation and final determination. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The University will implement the least restrictive emergency actions possible considering the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for disciplinary action are applicable as noted in the Employee Handbook.

## **PROMPTNESS**

All allegations are acted upon promptly by the University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in University procedures will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed.

## **PRIVACY**

Every effort is made by the University to preserve the privacy of reports. The University will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

## **JURISDICTION**

This policy applies to the education program and activities of the University, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by University's recognized student organizations. The Respondent must be a member of University's community for this policy to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprives someone of access to University's educational programs. The University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial University interest.

Regardless of where the conduct occurred, the University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off campus sponsored program or activity. A substantial University interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the Complainant would like to file a police report. Further, even when the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events. This policy would apply to persons employed by vendors serving the University (on-campus or for sponsored events) subject also to policies of vendor or to terms of vendor's contracts with University.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to the University where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

### **TIME LIMITS ON REPORTING**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

### **ONLINE SEXUAL HARASSMENT AND/OR RETALIATION**

The policies of the University are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the University's education program and activities or use University networks, technology, or equipment.

Although the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects.

Any online posting or other electronic communication by students, including cyber-bullying,

cyber-stalking, cyber-harassment, or other similar behaviors., occurring completely outside of the University's control (e.g., not on University networks, websites, or between University email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the University only when such speech is made in an employee's role with the University.

## **PART II. PROHIBITED CONDUCT SEXUAL HARASSMENT**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Pennsylvania regard Sexual Harassment as an unlawful discriminatory practice.

Carlow has adopted the following definition of Sexual Harassment to address the unique environment of an academic community and in compliance with Title IX regulations (34 CFR §106.30).

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that includes one or more of the following numbered items:

### **Sexual Harassment:**

- unwelcome conduct,
- determined by a reasonable person,
- to be so severe, and
- pervasive, and,
- objectively offensive,
- that it effectively denies a person equal access to the University's education program or activity.

### **Quid Pro Quo:**

- an employee of the University,

- conditions the provision of an aid, benefit, or service of the University,
- on an individual's participation in unwelcome sexual conduct.

**Sexual Assault, defined as:**

**a) Sex Offenses, Forcible:**

- Any sexual act directed against another person
- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent

**Forcible Sexual acts include:**

**Forcible Rape:**

- Penetration,
- no matter how slight,
- of the vagina or anus with anybody part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant.

**Forcible Sodomy:**

- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object:**

- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**Forcible Fondling:**

- The touching of the private body parts of another person (buttocks, groin, breasts),

- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**b) Sex Offenses, Non-forcible: Incest:**

- Non-forcible sexual intercourse
- Between persons who are related to each other
- Within the degrees wherein marriage is prohibited by law

**Statutory Rape:**

- Non-forcible intercourse
- With a person who is under the statutory age of consent in Pennsylvania

**Dating Violence, defined as:**

- violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
- The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence, defined as:**

- abuse committed by a current or former spouse or intimate partner of the Complainant
- by a person with whom the Complainant shares a child in common, or
- by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania or
- by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people

cohabitating must be current or former spouses or have an intimate relationship.

**Stalking, defined as:**

- engaging in a course of conduct 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.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to,
- acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

**SEXUAL EXPLOITATION**

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses.

Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual’s sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
- Exposing one’s genitals in non-consensual circumstances, or inducing another to expose his or her genitals;
- Possessing, distributing, viewing, or forcing others to view illegal pornography.

**TITLE IX REGULATORY DISMISSAL STANDARDS**

Under 34 CFR §106.45 (B)(3) the University must dismiss the formal complaints if they do not

meet the following standards:

1. If the conduct does not constitute sexual harassment as defined above (34 CFR §106.30)
2. If the University does not have control over the harasser
3. If the incident did not occur in a program or activity of the University
4. If the incident did not occur in the United States
5. If the complainant is not a member or seeking to become a member of the University community

## **GRIEVANCE RESPONSE PROTOCOL**

- (a) Allegations of sexual harassment that meet the five elements identified in Part II (C) of this Policy will be addressed under the Grievance Resolution Part I, “Title IX Regulatory Grievance Standards.”
- (b) Allegations of Sexual Harassment and/or Sexual Exploitation that must be dismissed for failure to meet the five requirements in Part II (C) will be addressed under the Grievance Resolution Process Part II, “Title IX Institutional Grievance Standards.”

## **PART III. STANDARDS FOR ASSESSING CONDUCT**

As used in the offenses above, the following definitions and understandings apply:

### **(A) CONSENT**

**Consent is:**

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

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.

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. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to

explicitly obtain *their* consent to being kissed back. Consent can also be withdrawn once given, so long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Consent may be considered in assessing if a University policy has been violated.

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 and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>1</sup> or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

## **(B) FORCE**

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

## **(C) INCAPACITATION**

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if he/she engages in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when,

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<sup>1</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

#### **(D) COERCION**

Coercion is pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

### **PART IV. UNIVERSITY STANDARDS MANDATED REPORTING**

- All University employees (faculty, staff, administrators) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately.
- 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 sexual harassment or retaliation. 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 (See Confidential Resources in previous paragraph)
- 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.

### **CONFIDENTIALITY OF COMPLAINTS AND REPORTS**

Parties in these processes, including the Complainant, the individual accused of a Policy Violation (“Respondent”), and witnesses, have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure.

In addition, the integrity of the process depends on ensuring reasonable expectations of confidentiality. The Title IX Coordinator will keep confidential the complaint, report, witness statements, and any other information provided by the Complainant, Respondent, or witnesses and will disclose this information only to 3<sup>rd</sup> party investigator, hearing administrator, the

Complainant, Respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to other University officials as necessary for coordinating interim measures or for health, welfare, and safety reasons, and to government agencies who review the University's compliance with federal law. The investigation report will be disclosed only to the Complainant, Respondent, Title IX Coordinator, Discipline Authority as necessary, and University officials as necessary to prepare for subsequent proceedings (e.g., University President and University Legal Counsel). Information about complaints and reports, absent personally identifiable information, may be reported to University officials and external entities for statistical and analysis purposes pursuant to federal and state law and University policy.

### **FEDERAL TIMELY WARNING OBLIGATIONS**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University 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.

The 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 considering the potential danger.

### **FALSE ALLEGATIONS AND EVIDENCE**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with, or destroying evidence, or deliberately misleading an official conducting an investigation may be subject to discipline under University policy.

### **AMNESTY FOR DRUG OR ALCOHOL POSSESSION AND CONSUMPTION VIOLATIONS**

The University strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving themselves or other students using drugs and/or alcohol will not be disciplined by the University for any violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

### **FREE SPEECH AND ACADEMIC FREEDOM**

This policy shall not be construed or applied to restrict academic freedom at the University, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

The University recognizes and protects full freedom of inquiry, teaching, research, discussion, study, publication, and for artists, the creation and exhibition of works of art, without hindrance, restriction, equivocation, or reprisal. This right extends to other facets of campus life to include the right of a faculty member or student to speak on general educational questions or about the University. In addressing all complaints and reports under this policy, the University will take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees. While the University will protect students' and employees' rights against sex discrimination under this policy, this policy does not apply to curriculum or in any way prohibit or abridge the use of textbooks or curricular materials. [Click to read the full policy on Free Speech.](#)

## **EXTERNAL COMPLAINTS**

If a person filed a complaint with the Title IX Coordinator and believes the University's response was inadequate, or otherwise believes the University has discriminated on the basis of sex, including sexual harassment, or retaliation, the individual may file a complaint with the:

Office for Civil Rights (OCR) Mid-Atlantic Region  
Jamie Rahn Ballay, Regional Manager  
Office for Civil Rights  
U.S. Department of Health and Human Services  
801 Market Street, Suite 9300  
Philadelphia, PA 19107-3134  
Customer Response Center: (800) 368-1019  
Fax: (202) 619-3818  
TDD: (800) 537-7697  
Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

Or

Office for Civil Rights (OCR)  
U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

## **RESOURCES**

The University's Safety and Security Annual Report of on-campus crime statistics includes forcible and non-forcible sex offenses, in lieu of the single category of rape used on previous reports, as well as statistics on dating violence, domestic violence, and stalking, in compliance with the Campus Security Act.

Copies of the Safety and Security Annual Report (required by the Student Right-to-Know and Campus Security Act of 1990) which details on-campus crime statistics for the three previous calendar years may be obtained at the following locations:

[https://www.carlow.edu/Campus\\_Crime\\_Statistics.aspx](https://www.carlow.edu/Campus_Crime_Statistics.aspx)

Crime prevention materials concerning personal safety on campus, rape and date or acquaintance rape are available at:

Carlow University Police Dispatch  
Frances Warde Hall Lobby 3333 Fifth Avenue  
Pittsburgh, PA 15213  
412-578-6005

During the academic year, the Campus Security Office and the Office of Student Affairs may provide sex crime prevention information through campus publications and by direct presentations to student groups on request.

The University does offer counseling services to its students. Those students needing counseling can contact the Counseling office.

## **CRIMINAL REPORTING**

Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911. You may also report to the University's Campus Police. Some forms of discrimination and harassment may also be crimes. For example, sexual assault, stalking, and rape are crimes. Criminal reports should be made to law enforcement, even if it is uncertain whether the conduct is a crime. Calling local law enforcement can help you: obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; and answer questions about the criminal process.

To preserve any physical evidence of a sexual offense, victims of sexual assault are encouraged not to bathe, shower, use any feminine douche or change clothing. Such victims are advised to go immediately to a medical facility of their choice to receive medical treatment if needed and to ensure that the appropriate examinations are conducted to collect the necessary physical evidence of the assault. The cost of medical treatment or examination of the victim of a sexual

assault for physical evidence shall be charged to the political sub-division where the offense occurred.

## **GRIEVANCE RESOLUTION PROCESS SEX/GENDER HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT**

### **PART I. TITLE IX REGULATORY GRIEVANCE PROCESS STANDARDS**

#### ***NOTICE/FORMAL COMPLAINT***

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

The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The University uses the Formal Grievance Process to 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 sexual harassment or retaliation, their potential recurrence, or their effects.

#### ***INITIAL ASSESSMENT***

- Following receipt of a formal complaint of an alleged violation of this Policy, the Title IX Coordinator or designee engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- 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.
- 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 formal complaint is made (requiring the signature of the Complainant), the Title

IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.

- 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 scope of Title IX or this policy.
- If it does, the Title IX Coordinator will initiate the formal investigation and grievance process.
- Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints trained individuals to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

### ***DISCRETIONARY DISMISSAL***

The 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 the University; or
- 3) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

This dismissal decision is appealable to any party.

### ***COUNTERCLAIMS***

- The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above for filing of complaints, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a 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 would be a violation of this policy.

## **RESOLUTION PROCESSES**

### **INFORMAL RESOLUTION**

The University may not require, a waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. Similarly, the university may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the recipient may facilitate an informal resolution process, such as mediation, which does not involve a full investigation and adjudication, provided that the recipient:

1. Provides to the parties a written notice disclosing:
  - a. the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
  - b. Obtains the parties' voluntary, written consent to the informal resolution process; and
  - c. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
2. Informal Resolution can include three different approaches:
  - a. When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
  - b. When the parties agree to resolve the matter through an alternate resolution mechanism usually before a formal investigation takes place.
    - i. When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

## **FORMAL GRIEVANCE RESOLUTION PROCESS**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the University’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview

- process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
  - An instruction to preserve any evidence that is directly related to the allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records or emailed to the parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **RIGHT TO AN ADVISOR**

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

Parties may request 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.

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 the University community. The Title IX Coordinator will also assign an Advisor for any party if the party requests. See Section D for role of advisor in the hearing.

## **ADVISOR'S ROLE IN MEETINGS AND HEARING**

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.

The 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, the University is not obligated to provide an attorney.

U.S. Department of Education regulations under Title IX, cross examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing,

the University will appoint an Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor does not conduct questioning, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to give their advisees without disrupting proceedings. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

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.

## **INVESTIGATION PROCESS**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses, obtaining available and relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not

necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation in a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.

Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period that each party may meaningfully respond to the evidence. The parties may elect to

waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- The investigator shares the report with the Title IX Coordinator for feedback.
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical, or documentary evidence will be included.

## **ROLE OF WITNESSES IN THE INVESTIGATION**

Witnesses (as distinguished from the parties) may be students, employees, or others identified by the Investigator or by the parties. All witnesses are strongly encouraged to participate in good faith with the investigation process. Witnesses who are employees of the University are expected to cooperate with and participate in the University's investigation and resolution process. Failure of employee witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

## **RESOLUTION TIMELINE**

The University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business daytime period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## NOTICE OF HEARING

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Hearing notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- A description of any technology that will be used or needed to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter unless they have been provided already.<sup>2</sup>
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability

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<sup>2</sup> The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

- Whether parties can or cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

## **DECISION-MAKER/HEARING PANEL**

The University will designate a single Decision-maker or a three-member panel at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role.

The hearing will convene at a time determined by the Chair or designee.

## **HEARING PROCEDURES**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional panelists, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent) Advisors to the parties, any called witnesses, and anyone

providing authorized accommodations or assistive services.

The Chair will answer all questions about procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties' advisor and then will then be excused.<sup>3</sup>

<sup>3</sup> A copy of the order of the hearing proceedings is available upon request in the Title IX Coordinator's Office and be provided to parties upon commencement of a formal investigation leading to a hearing.

## **RECORDING**

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without the permission of the Title IX Coordinator.

## **DELIBERATION, DECISION-MAKING, AND STANDARD OF PROOF**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate administrator] and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX

Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations.

This report must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

## **NOTICE OF THE OUTCOME**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the Notice of Outcome, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 10 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

## **SANCTIONS**

Factors considered when determining a sanction/responsive action may include, but are not

limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

## **PART II. TITLE IX INSTITUTIONAL GRIEVANCE PROCESS**

When a complaint is dismissed as a Title IX matter, it may still be investigated and adjudicated as a campus policy violation under student or employee conduct policies. The process for such institutional cases can be found at the following link:

[https://www.carlow.edu/uploadedFiles/Academics/Resources\\_and\\_Support/Handbooks/2019-2020\\_Student-Handbook\\_v2.pdf](https://www.carlow.edu/uploadedFiles/Academics/Resources_and_Support/Handbooks/2019-2020_Student-Handbook_v2.pdf)

## **PART III. APPEALS**

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 5 days of the delivery of the Notice of Outcome.

A three-member appeal panel will be designated by the Title IX Coordinator OR a single Appeal Decision-maker will make the appeal. No appeal panelists or Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

## Grounds for Appeal

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair, and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, if appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, if appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds for appeal in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, or and the Chair/Panel will render a decision in no more than 10 business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will

specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

### **Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error, and making changes to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- Once an appeal is decided, the outcome is final and further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).

- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## **FAILURE TO COMPLY WITH SANCTIONS**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## **RECORDKEEPING**

The University will maintain, for a period of at least seven years, records of:

1. Each investigation under this policy including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials are used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. University will make these training materials publicly available on University's website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the University's education program or activity; and
  - c. If no supportive measures were provided to the Complainant, document the

reasons why such a response was not clearly unreasonable considering the known circumstances.

The University will also maintain any and all records in accordance with state and federal laws.

## **REVISION OF POLICY AND GRIEVANCE PROCESS**

This Policy supersedes any previous policy(ies) addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

Beyond the protection of the background state and federal laws which frame such policies and codes, generally, this document does not create legally enforceable protections.

This Policy and procedures are effective [Carlow, 2021] and supersede all prior published policies.

## Appendix A – Examples of Prohibited Behaviors

Behaviors falling under the SEXUAL HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT POLICY can include, but are not limited to:

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; and displaying sexually suggestible objects or pictures.

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.

Definition of DV

- pattern of abusive behavior that enables one person to maintain power and control over the other person).

Some examples of intimate partner violence/domestic violence/dating violence 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 – manipulation where the manipulator tries to get someone else to question their own reality, memory, or perceptions
- 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 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.wcpittsburgh.org/signs-of-abuse/> .

\*For help, support or more information, visit:

Women’s Center and Shelter of Greater Pittsburgh <https://www.wcpittsburgh.org/>

Call 24-hour hotline: 412-687-8005

Text: 413-744-4775

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

Filing a Protection from Abuse Order: <https://www.wcpittsburgh.org/legal-advocacy/>

Resources on Domestic Violence: <https://www.wcpittsburgh.org/resources/>

R U Safe App: \_

Download for Apple

<https://apps.apple.com/us/app/rusafe/id738019287?ign-mpt=uo%3D4>

Download for Android

<https://play.google.com/store/apps/details?id=com.newton.WomenShelter>

Love is Respect Safety Plan <https://www.loveisrespect.org/for-yourself/safety-planning/interactive-safety-plan/>

Blackburn Women’s Center (Greensburg) <https://www.blackburncenter.org/get-help>

The VOICE (Cranberry) <https://www.domesticshelters.org/help/pa/cranberry-township/16066/victim-outreach-intervention-center-voice>

## Chapter 5: Student Code of Conduct Policies

### Violation of City Ordinances, State, and Federal Laws

Students are expected to know, understand, and abide by city ordinances, state, and federal laws, on and off campus. Students found to have violated such ordinances or laws, on or off campus, may be subject to the conduct review process regardless of whether any legal action is taken by law enforcement officers or in the courts. Court action and penalties will not pre-determine the outcome of an internal University proceeding related to such violations. Further, University processes will be facilitated in a timely manner, consistent with articulated policy timelines, and may proceed irrespective of separate civil or criminal processes.

### Harassment or Discrimination Policy

In keeping with the values of the University, no employee, student, or other members of the University community should be subjected to discriminatory, intimidating, or derogatory language or actions, or physical abuse of any nature. All forms of harassment, including sexual harassment, are prohibited. The University will not tolerate retaliation for any good faith complaints of alleged harassment or discrimination or for cooperating in the investigation of such complaints.

Harassment and discrimination may take the form of language or actions which are unwelcome, pervasive, derogatory, or intimidating and which denigrates or shows hostility or aversion toward an individual because of the individual's race, color, religion, sexual orientation, handicap or disability, sex, age, pregnancy, ancestry, national origin, place of birth, genetic information, gender identification, veteran's status, or any other category protected by federal, state, or local law. Such conduct is unprofessional, unproductive, and often illegal.

Consequently, Carlow University prohibits all conduct of this nature whether such conduct violates any applicable laws. Examples of prohibited acts, if related to a person's protected status or when the conduct has the purpose or effect of substantially interfering with an individual's educational opportunities or creates an intimidating, hostile, or offensive atmosphere, include the following:

- Name calling or slurs
- Joking or teasing
- Negative stereotyping
- Threats or intimidation
- Hostile written or graphic material posted on or circulated on campus
- Physical contact

### Hazing Policy

Comparable to the Harassment and Discrimination Policy above, and in keeping with our Mercy values of Hospitality and Sacredness of Creation, the University prohibits the practice of hazing.

“Hazing” is defined as intentionally, knowingly, or recklessly coercing, forcing, or subjecting a person to any of the following below, on or off campus, for the purposes of either admission to, continuing in, or enhancing membership with, a Carlow University organization (broadly defined to include any group at or affiliated with the University that consists of students, staff, faculty, or alumni, including fraternities or sororities).

For purposes of this policy, prohibited acts include, but are not limited to, violation of federal or state criminal law; forcing another person to consume any food, drink, alcoholic liquid, drug or other substance that subjects an individual to a risk of emotional or physical harm; engaging in or enduring brutality of a physical nature for purposes of inclusion in a group or organization including whipping, beating, branding, calisthenics or exposure to the elements; enduring brutality of a mental nature, including activity adversely affecting the mental health or dignity of an individual, sleep deprivation for purposes of inclusion in a group or organization, exclusion from social contact or conduct that could result in extreme embarrassment; engaging in or enduring brutality of a sexual nature for purposes of inclusion in a group or organization and engaging in any other activity that creates a reasonable likelihood of bodily injury to an individual.

## **Weapons, Firearms, and/or Propellant Devices**

The possession, storing, carrying, or use of any weapon, ammunition, or explosive by any person is prohibited on all University property except by authorized law enforcement officers and other persons specifically authorized by the University. Paintball guns and paintball markers may only be used on the property of the University in connection with authorized University activities and only at approved locations.

Specific Weapons, Firearms or Propellant Device Student Code of Conduct Violations may include, but are not limited to:

- Propellant Weapons (Air, Paintball, Pellet, Slingshot)
- Knives, Guns and Other Firearms, Other Dangerous Weapons
- Dangerous Chemicals/Gases
- Ornamental weapons such as swords, throwing stars and similar items
- Objects used as a weapon during an altercation

## **Theft and Other Property Offenses**

It is a violation of University policy to steal, vandalize, damage, destroy, or deface University property or the property of others.

Specific Theft and Property Offense Student Code of Conduct violations may include:

- Theft of Personal or University Property
- Possession of Lost, Stolen, or Misplaced Property
- Theft from Dining Hall of Food or Materials

- Damage or Creating a Condition Requiring Repair, Restoration or Cleanup

## **False or Misleading Information Policy**

Students may not intentionally provide false or misleading information to any person including other students, faculty, staff, or contract employees. Intentionally providing false or misleading information on records to the University or local authorities is also prohibited.

Specific False Information Student Code of Conduct violations may include:

- False or Misleading Records Submitted
- False or Misleading Statements
- False or Misleading Identification provided to verify identity

## ***Forgery or Alteration***

It is a policy violation for any student to make, use, or possess any falsified University document or official record; or to alter or forge any University document or record, including identification, meal, parking, or access cards. Forgery and alteration include but are not limited to signing another's name and/or ID number for any purpose including on key request forms, manufacturing IDs or tickets, altering permits, misuse of any University forms (including letterhead or stationery), and unauthorized duplication of University keys.

## **Fire Safety**

It is a violation of University policy for any student to tamper with fire or other safety equipment or set unauthorized fires. Candles, incense, smoking materials, unauthorized fireworks, and any open flamed appliance shall not be used on University property without explicit permission from the Vice President for Student Affairs.

Specific Fire Safety Student Code of Conduct Violations may include:

- Creating a Condition that Endangers Health and Safety
- Tampering with Fire Safety Equipment
- Pulling False Fire Alarm
- Failure to Evacuate for Fire Drill
- Burning Candle/Incense
- Burning Candle/Incense Unattended
- Possession or Use of Fireworks
- Other Fire Safety Violation

## **Drug and Alcohol Possession, Use, and Distribution**

Carlow University is committed to the health and well-being of all our students. As part of this commitment, Carlow complies with and upholds all federal, state, and local laws that regulate or prohibit the manufacture, possession, sale, use, abuse, or distribution of alcohol or controlled substances. In compliance with the Drug Free Schools and Community Act, Carlow University has adopted the following policies to help create an environment that promotes and

reinforces healthy living, respect for community standards, the responsibility of the individual within the wider community, and the intellectual, social, emotional, spiritual, ethical, and physical well-being of its community members.

### ***Alcohol Possession, Use, and Distribution***

The University prohibits the manufacture, possession, use, or dispensing of alcohol by students, residents, or guests in the University's residence halls, on campus property, or property operated by the University, regardless of age. Violations of such laws and/or University policies that come to the attention of University officials will be addressed through the Student Code of Conduct process. Campus processes are separate from civil and criminal processes, which also may be in effect, and will proceed on an appropriate timeline irrespective of other such processes. There may occasionally be University-sponsored events on or off campus at which alcohol service is permitted. These events are conducted in accordance with federal, state, and local laws and must be specifically approved by the President or an appropriate member of the President's Cabinet.

### ***Controlled Substances Possession, Use, or Distribution***

The University prohibits the manufacture, possession, use, or dispensing of controlled substances by students, residents, or guests in the University's residence halls, on campus property, or property operated by the University. Violations of such laws and/or University policies that come to the attention of University officials will be addressed through the Student Code of Conduct process. Campus processes are separate from civil and criminal processes, which also may be in effect, and will proceed on an appropriate timeline irrespective of other such processes. The presence of odor, paraphernalia or other indicators of possession or use of controlled substances found in residence hall rooms may give rise to a violation of this section, and persons in such residence hall rooms will be processed through the Student Conduct Review process and are expected to participate in follow up investigations and meetings.

### ***Accountability and Responsibility***

Alcoholic beverages or any other controlled substances found in a residence hall room shall be considered, in the absence of clear evidence to the contrary during the investigation, to belong to the assigned resident(s) of the room, and the Student Code of Conduct will apply appropriately. Alcoholic beverages or any other controlled substances which are brought to a residence hall room by a visitor or guest shall, in the absence of clear evidence to the contrary during the investigation, are considered to belong to the occupant(s) of the room who are present at the time of the infraction. Those present in a room where a policy violation has been confirmed will be processed through the Student Conduct Review process and are expected to participate in follow-up investigations and meetings. If it is determined that alcoholic beverages or any other controlled substance have been brought into the residence hall by a visitor or guest, that individual may no longer be permitted access to the residence halls, and their host may be held responsible for the appropriate policy violation, pending the outcome of the Student Conduct Review process.

### ***Parental/Guardian Notification***

Federal law permits the University to notify a student's parents whenever the University determines that a student has violated the University's alcohol and drug policy. Please note that the policies and guidelines are applicable to the Carlow campus property, properties operated by the University, and to approved University activities off-campus.

Specific Alcohol and/or Drug Student Code of Conduct Violations may include:

- Unauthorized Possession and/or Use of Alcohol and/or Other Drugs
- Open Container of Alcohol in Unauthorized Area
- Possession of Kegs and Other Containers of Alcohol on campus
- Supplying Alcohol to Minors
- Hosting Persons While in Possession and/or Use of Alcohol and/or Other Drugs
- Excessive Consumption of Alcohol Possession of Drug Paraphernalia or other materials or evidence which may indicate a violation

### ***Sanctions: Drug and Alcohol Violations***

The University's approach to drug and alcohol policy violation sanction is to help the student/student group examine their behavior and learn from the experience, to make more appropriate choices in the future. In terms of initial response, the Carlow University Police Department and/or Residence Life staff members will be summoned. If Campus Police are summoned, an internal citation will be issued; if Residence Life is involved, an incident report will be created, and in both cases, information gathered will be forwarded to the Office of Students Affairs for evaluation and adjudication. If the student resides on campus, he or she will meet with the Director of Residence Life or their designee.

Outcomes for first-time or minor offenses may include conduct warning, conduct probation, an alcohol or drug education program, residence hall probation, and parental notification.

Outcomes for repeat or more significant offenses may include state citations such as disorderly conduct, public intoxication, and/or underage drinking, residence hall contract termination, an alcohol or drug education program, disciplinary probation or suspension, expulsion, and parental notification. Under Pennsylvania law, for a person under the age of 21, the penalty for the first offense of underage drinking includes suspension of driving privileges for 90 days (see 18 Pa. C.S.A. § 6310.4).

### ***Commonwealth of Pennsylvania Sanctions***

[Citations found in the Pennsylvania Crime Codes]

In addition to penalties that may be imposed by the University for violations of the Drug and Alcohol policy, there are separate penalties which the Commonwealth of Pennsylvania may impose for the possession, sale, or delivery of a controlled substance.

- a. The penalty for the sale or delivery, or possession with the intent to deliver, of a Schedule I or II drug, which is a narcotic, includes up to 15 years imprisonment

and/or a \$250,000.00 fine. (Pennsylvania follows the federal schedule for classification of controlled substances).

- b. The penalty for the sale, delivery, or distribution of phencyclidines (PCP), methamphetamines, coca and its derivatives, and marijuana in excess of 1,000 pounds includes up to 10 years imprisonment and/or a \$100,000.00 fine. The penalty for the sale, delivery, or distribution of any other. Schedule I, II, or III drug not listed above is up to five years imprisonment and/or a \$15,000.00 fine.
- c. The penalty for the sale, delivery, or distribution of any Schedule IV drug includes up to three years imprisonment and/or a \$10,000.00 fine.
- d. The penalty for the sale, delivery, or distribution of any Schedule V drug includes up to one-year imprisonment and/ or a \$1,000.00 fine.
- e. Penalties for unauthorized possession of a controlled substance include up to one-year imprisonment and/or a \$5,000.00 fine for the first offense. Penalties for possession of a small amount of marijuana for personal use or with the intent to distribute but not to sell or the distribution of a small amount of marijuana but not sale include up to 30 days in prison and/or a fine not to exceed \$500.00.
- f. Penalties for the intentional purchase or knowing receipt in commerce by any person of any controlled substance, other drug or device from any person not authorized by law to sell, distribute, dispense, or otherwise deal in such controlled substance, other drug or device include up to three years imprisonment and/or a fine not to exceed \$5,000.00.

### ***Federal Sanctions***

[Citations found in the Federal Register]

Federal penalties and sanctions for illegal possession of a controlled substance include the following:

- First conviction: up to 1 year in prison, fine of \$1,000.00 to \$100,000.00, or both
- Second conviction: at least 15 days and up to 2 years imprisonment, \$5,000.00 to \$250,000.00 fine, or both
- After two drug convictions: at least 90 days and up to 3 years in prison, \$5,000.00 to \$250,000.00 fine, or both
- Special federal sentencing provisions for possession of crack cocaine include mandatory prison term of at least 5 years and up to 20 years, fine of up to \$250,000.00, or both, for a first conviction if the amount of crack exceeds 5 grams, for a second conviction if amount exceeds 3 grams, and for a third or subsequent conviction if the amount exceeds 1 gram.

Additional federal sanctions may also apply including forfeiture of vehicles used to transport controlled substances, denial of federal benefits including student loans, grants, and contracts

and denial or revocation of federal licenses and benefits.

### ***Personal Health and Other Risks Associated with Drugs and Alcohol***

Users may have impaired judgment, balance, coordination and/or sight, which may lead to increased risk of accidents and injuries. For example, alcohol-related traffic accidents are the leading cause of death for teens. Other risks include, dependence, hallucinations, fatal overdose, blacking out or becoming unconscious, nausea, vomiting and even death by aspiration of vomit.

Over time, users may experience, long-term health risks, including, for example, increased blood pressure, increased risk of heart attack, interference with brain development, brain damage resulting in permanent psychosis, cancer of the mouth, esophagus or stomach, liver damage (cirrhosis, alcohol hepatitis, cancer), ulcers, pancreatitis, birth defects, testicular atrophy, and breast enlargement (in males), increased risk of breast cancer (in females).

Prolonged, excessive drinking can shorten life span by ten to twelve years.

### ***Resources for Substance Abuse Issues***

Many resources are available both on and off campus for students struggling with substance abuse issues. For more information, please contact the University Health and Counseling Services at 412.578.6474.

### ***Medical Amnesty***

The University recognizes that there may be alcohol or other drug-related medical or safety emergencies in which the potential for student conduct action could act as a deterrent to students who want or need to seek assistance for themselves or others. The University emphasizes that anyone who is experiencing a health concern for themselves or other should seek emergency medical assistance immediately. Student safety and the health of students is the overriding concern of the University.

When a student seeks emergency medical assistance for the purpose of aiding an intoxicated or impaired individual (including oneself), neither the intoxicated individual nor the individual reporting the emergency will be subject to formal student conduct action for violation of University policy relating to alcohol or drugs which led to the impairment. Students can expect that informal review and discussion about the incident will occur in support of the University's educational mission. The Medical Amnesty Policy does not apply to situations where other policy violations occur while a student is intoxicated, such as but not limited to, sexual harassment, physical abuse, conduct which threatens safety, verbal or physical harassment, disorderly conduct, or property damage. Parental notification may be conducted as deemed appropriate and in consultation with individual students as part of the conduct review process.

## **Disorderly Conduct Policy**

Carlow University students are expected to behave in ways that do not disrupt the learning or

living environment at any time. Disorderly, disruptive, lewd, or indecent conduct is not permitted on campus or at University events.

Specific Disorderly Conduct Student Code of Conduct violations may include:

- Excessive noise or activities deemed disruptive to another
- Mutual altercations in which students resort to verbally or physically abusive means to resolve conflict, dispute, or disagreement. This includes self-defense actions where a victim chooses not to disengage or responds disproportionately to the attack. It also includes mutually combat not approved by the University.
- Urination/defecation in public locations, campus common areas, or in clear view of another
- Throwing objects, especially situations presenting the possibility of harm to another property, whether intentional or unintentional.
- Inciting or participating in a group disruption or riot
- Failing to leave the scene of a group disruption when instructed by officials
- Disruption of programs, classroom activities, functions and/or University processes
- Creating unreasonable noise
- Creating a physically hazardous or physically offensive condition
- Wearing apparel, including masked, deemed by another to be lewd, indecent, or objectively offensive and not in keeping with University values, especially when directed toward another

### ***Disruption of Operations***

Disruption is defined as an action or combination of actions by one or more individuals that unreasonably interferes with, hinders, obstructs, or prevents the operation of the University or infringes on the rights of others to freely participate in its programs and services.

All students are obligated to assure their behavior does not obstruct or disrupt classes, research projects, or other activities or programs of the University; or obstruct access to University facilities, property, or programs.

Specific Disruption of Operations Student Code of Conduct violations may include:

- Misuse of Information Systems
- Disruption of class, programs, services, operations

### ***Failure to Comply***

Students are expected to comply with reasonable directives from University or other officials. Failure to provide identification or to report to an administrative office or, when reasonable cause exists, failing to leave an area when directed to do so by properly authorized persons, including police and/or other University staff, will constitute a violation.

This charge may be added to other charges, e.g., when a student fails to voluntarily leave a residence hall during a fire drill and refuses to leave when specifically directed to do so by a University official.

Specific Failure to Comply Student Code of Conduct violations may Include:

- Failure to provide proper identification
- Failure to comply with directive or condition established by University official
- Failure to comply with a reasonable request to meet with University officials
- Failure to comply with sanctions or programs
- Attempt to escape or leave when approached regarding and incident or concern by a University official

### ***Unauthorized Entry or Use***

Unauthorized entry into or use of University facilities including but not limited to computers, property operated by the University, residence halls, classrooms, offices, and other restricted facilities is a violation of policy. The University also has the right to control use and entry into facilities for reasons of safety, security, or protection of property. This includes opening and closing facilities at specified times or responding to certain conditions. It should also be recognized that an open or unlocked door is not an invitation to enter and use facilities for an unauthorized purpose. The same concept applies to computer entry and use, including violation of any University computer policy.

Specific Unauthorized Entry or Use Student Code of Conduct violations may include:

- Unauthorized entry into buildings, rooms, and other campus facilities or those operated by the University.
- Computer or software misuse, as specified in the University computer use policy

## **Political Activity Policy**

Carlow University is a 501(c)(3) charitable organization and will not participate or intervene in political campaign activities in support of, or in opposition to, any candidate for public office.

Under IRS rules and regulations, the University is prohibited from the following activities:

- Endorsing candidates
- Making campaign contributions
- Engaging in fundraising
- Statements of position (verbal or written) made on behalf of the University in favor or in opposition to any candidates for public office.
- Making partisan comments in official University publications or at official functions.
- Engaging in candidate specific activities on campus or at University events which encourage voting for or against a candidate.
- Hosting a debate or forum showing for or against a certain candidate.

To this end, the University logos and name will not be used on any materials intended to support, or be in opposition to, a political campaign. This includes solicitation of funds and utilization of in-kind resources such as, but not limited to, University letterhead, phone lines, e-mail accounts, voicemail systems, duplication machines, computers, fax machines and direct mail and other materials.

### ***Student Groups***

The University will allow student groups to form and be recognized that support political perspectives and inform the voting process. Examples might be the College Republicans or College Democrats. Student groups exist for the purpose of contributing to the educational environment. At no time will a student group be authorized to speak on behalf of the University and the presence of such an organization should not be construed as such. Rather, as with creating an open campus for dialogue, these organizations, and student leadership thereof, are viewed as critical to the learning environment.

Any student or student group inviting a particular candidate to campus must gain approval from the University and will be responsible, jointly with the campaign or speaker, for all expenses associated with the use of University space for such candidate appearances. The ability to cover such expenses must be demonstrated prior to final approval for space usage.

### ***Voter Registration on Campus***

The University may wish to provide a forum for on-campus voter registration, either under its own auspices or under the sponsorship of other organizations. Allowing or conducting voter registration on campus does not constitute impermissible political campaign activities so long as the drive is conducted in a non-partisan and fair manner. The Federal Election Commission has provided guidance on how to conduct a non-partisan voter registration campaign. Its regulations require that either all candidates or no candidates be named, that all or no party affiliations be given, and all persons interested in registering be permitted to do so regardless of their party preference. The University should not give preferential treatment to groups seeking to conduct voter registration drives on campus. However, the University will expect that groups properly collect, protect personal information, and deliver forms in a timely manner to the proper authority for registration purposes.

### ***Other Voter Education***

Organizations on the University campus may wish to engage in other forms of voter education, such as the dissemination of voter guides and incumbent voting records. Both voter guides and voting records may be permissible forms of political activity if conducted in a non-partisan manner. In general, voting records and responses to candidate questionnaires may be distributed if done so without editorial comment and if they cover a broad range of issues.

However, formats that specifically support a certain candidate or that cover only a narrow range of issues may constitute impermissible voter education activities.

### ***Political Signs***

The University generally allows political signs in personal offices and residence hall rooms if they are in good taste and not offensive. Signs may not be placed in common areas, on the outside of buildings, including facing out from office, residence hall, or classroom windows, or on the grounds. This is to avoid any suggestions that the University is endorsing a candidate.

***Solicitation***

Generally, only recognized Carlow organizations may solicit funds on campus, and may only solicit in designated spaces and within established parameters. All fundraising activities must have prior approval by the Student Affairs office.

## CHAPTER 6: Student Conduct Review Process

The Vice President for Student Affairs and Dean of Students is responsible for overseeing the University's Conduct Review Process. In most cases, as outlined below, the Assistant Dean of Students or designee will be responsible for facilitation of the Student Conduct Review process. All materials comprising the Student Conduct Review process are and remain the sole property of the University. Review of materials made be made upon request and at appropriate times in the review process. No duplication or copying in any form may occur without University administrator approval.

The purpose of the Student Conduct Review process is to maintain the unfettered operation of the University, address behavioral issues that conflict with University expectations and values, and to deepen the developmental learning and growth of students. In general, the University's approach to Student Conduct Review is educational and restorative in nature. Violations of this Code are handled whenever possible through dialogue with the individuals involved, the goal being to resolve the incident or issue at the lowest possible level through common understanding, commitment, and learning outcomes. Sanctions for offenses are developmental and intended to be learning experiences for the student. This process applies to all alleged code of conduct violations that DO NOT fall under Title IX definitions and jurisdiction, as deemed by the Title IX Coordinator. Procedures unique to Title IX jurisdiction cases of Sexual Harassment can be found in the Sexual Harassment, Discrimination, and Sexual Misconduct Policy located in Chapter 5.

### Interim Action Policy

Carlow University seeks to provide a safe and healthy environment in which all students have the best possible opportunities to pursue their academic goals. At the sole judgment of Carlow University, students may be subject to interim action including but not limited to removal from the residence halls or suspension by the Vice President of Student Affairs and Dean of Students or his/her designee pending the outcome of the Student Conduct Review process.

Student conduct that may prompt such interim action includes but is not limited to:

- Students whose behavior makes them unable to function effectively in the residence halls or elsewhere on the University campus without threat of harm or harm to themselves or others.
- Students whose presence during the conduct review process is disruptive to the University.
- Students whose behavior makes them unable to function effectively in the residence halls or the University community without disrupting the educational pursuits of others; or
- Students who fail to respond to a reasonable request of a University official or designee
- Students deemed to present a threat to themselves or others.

A University official may require a student to obtain an assessment or evaluation from an external health provider before returning to classes or the residence halls. Such decisions will be made on an individual basis, after reviewing all aspects of the situation and in most cases in consultation with the student. An interim suspension cannot be imposed for more than three business days without conduct and/or evaluation timelines established for the student to follow toward possible reinstatement. Conduct processes within the control of the University can be expedited where possible to minimize the time that a student will face interim suspension without a resolution.

### ***Making a Report About a Violation of the Code of Conduct***

Any member of the University community may submit a written statement alleging that a student(s) or student organization has violated the policies and/or procedures of the University. Such statements should be submitted to the Assistant Dean of Students or Student Affairs Office. Matters that involve possible violations of the law should be reported to the Campus Police as well and may involve a separate process.

All reported matters will be reviewed and appropriately processed through the conduct review process. The Assistant Dean of Students or his/her designee shall initiate a review of the facts and gather information pertaining to the incident. As part of this review, the Assistant Dean or designee may meet with the person(s) involved as well as with other appropriate members of the Carlow community.

Once the facts have been compiled to the extent possible, the Assistant Dean or designee [hereafter known as administrator] will determine whether a policy violation has occurred. If the investigation determines the facts do not support a preponderance of evidence that a policy was violated, the case will be closed.

For investigations that determine the preponderance of evidence demonstrates a policy(ies) violation(s) did more likely than not occur, one or more of the following actions will take place:

- The results of the investigation will be reviewed with the complainant(s) and respondent(s)
- The respondent will be offered the opportunity to accept or challenge responsibility. If the respondent accepts responsibility for alleged violations of the Student Code of Conduct, the administrator will typically propose and work with the complainant(s) to determine an appropriate developmental sanction. Once complete, the administrator will confirm the outcome and sanction completion deadlines in writing.
- If the respondent chooses “not responsible” for alleged violations of the Student Code of Conduct or desires that the matter be reviewed through an independent conduct review, the process will be referred to the Student Conduct Review Board. Notwithstanding the above, if the alleged violations of the Student Code of Conduct are

repeat violations for a student, or if the administrator feels it to be in the best interest of the complainant, the process may be referred to the Student Conduct Review Board. If the alleged violation(s) are those that may result in a suspension or dismissal from the University, the process may be referred to the Student Conduct Review.

Students who do not wish to resolve their conduct process by meeting with the Assistant Dean or designee may ask for a full review by a Student Conduct Board. The Student Conduct Review administrator has the discretion to grant such a review in any case they deem appropriate.

Students are required to respond to all reasonable requests made by University officials facilitating the Conduct Review process and may be subject to disciplinary action if they fail to respond. While students are expected to participate in the Student Conduct Review process when asked to do so, if a student does not participate, the process will continue, and decisions will be made without their input.

### ***Student Conduct Review Board***

A Student Conduct Review Board will include one faculty member, one staff member, and one additional faculty/staff member, with a designated chairperson. Board members are drawn from a pool of individuals trained in advance. The personnel of the Board will change from case to case.

Board members listen to all the facts of a case, including any information presented by the complainant(s) and respondents(s), and render two decisions:

- Whether a respondent(s) is responsible for any violation(s) of this code
- If the student is found responsible, what consequences or sanctions to impose

Students will be notified in writing of the date, time, and location of a Conduct Review Board hearing at least five (5) days in advance. Written notification will include clarification of alleged policy violations and investigation materials that will be reviewed during the process. All Conduct Review Board proceedings will be audiotaped. Transcripts will not be created. All materials related to the incident, investigation, and hearing remain the property of the University.

For Student Code of Conduct matters that happen at the beginning of the semester, end of the semester, or during University breaks, the Vice President for Student Affairs or designee will decide whether a case may be held over until the University is back in session. If it is determined that such a matter requires an immediate hearing, the conduct review administrator has the authority to identify members/designees from the faculty or staff to serve as hearing officers to review the case. That hearing Officer or Conduct Review Board shall determine whether the student(s) is responsible for the violation and determine the outcome if found in violation of University policy.

### ***Advisors for Students in the Conduct System***

Students may bring an advisor of their choice to all Conduct Review process meetings. The role of the adviser is to support and advise the student. Advisors are not direct participants in the process, may not speak, and should not expect to participate, their role being to provide non-disruptive support,, consult, and guidance as requested. Administrative staff will review the advisor role with those present. In the event an adviser chooses to act outside the scope of their defined role, proceedings will be stopped, and the advisor removed, so that operational decorum can be restored. Upon request, the University will work with students who wish to have an adviser but who are unable to identify one.

### ***Information Sharing and Questioning of Witnesses***

Any party directly named in the complaint shall have the opportunity to review information that is given to members of the Conduct Review Board, upon request. The parties may question the statement of any witnesses who appear before the Board, or request witnesses to appear on their behalf.

The student shall have the opportunity to speak directly to the Board and share information they consider relevant to the Board's proceedings.

Students shall be notified in writing of the results of all Conduct Board proceedings within 2 business days of the Board's conclusions.

### ***Appeal Process Review***

An appeal of a Conduct Review decision is generally submitted to the structural supervisor of the person/Board making the original decision. For example, decisions made by the Assistant Dean of Students or a Student Conduct Review Board may be appealed to the Vice President for Student Affairs and Dean of Students. All conduct letters will contain appeal information and the appropriate person to whom the appeal should be submitted.

Students who wish to appeal the outcomes of a conduct review decision must do so in writing within five (5) business days.

Appeals may be submitted for the following three reasons:

- A student believes that University policy and procedures were not correctly followed in a manner significant enough to deny a fundamentally fair hearing.
- New and different information not previously considered through the conduct review process has come to light since the conduct review process
- The sanction is inappropriately severe or inconsistent with the specific violation.

Disliking or disagreeing with a consequence or sanction is not sufficient grounds for an appeal.

The Vice President of Student Affairs or designee will review the matter with all prior

documentation and may choose to meet with the student(s) involved. Outcomes of an appeal review may result in an affirmation of the original decision, a remand of the decision back to the original decision maker for consideration of new evidence, or an adjustment to the original outcome decision. In most cases, the appeal proceedings will not result in a new hearing. All decisions made by an appeal to the Vice President of Student Affairs or designee are final. Outcomes of appeal decisions will be communicated in writing to the student(s) within ten (10) business days of receipt of the appeal. All materials must be returned to the University at the conclusion of the appeal period.

### ***Sanctions for Violations of Student Policies***

A violation of the policies and procedures of the University may result in disciplinary action up to and including suspension or expulsion from the University. The University will impose sanctions that are appropriate to the situation, and when possible, will include educational learning outcomes designed to reduce or eliminate the likelihood of a future violation. Previous violations will be considered relevant to the current violation or in any determination of the level of sanction to be imposed.

All Student Conduct Review records are documented and filed in the Office of Student Affairs and are kept for seven (7) years. Incidents involving violence or threat of violence to self or others are kept indefinitely.

The list below includes, but is not limited to, a list of sanctions that may be used by University officials for violations of Student Code of Conduct Policies by individuals, groups, or organizations.

This list should not be considered exhaustive, as circumstances vary from case to case, and the University reserves the right to impose additional sanctions, to issue more than one sanction for a particular violation, or to deliver sanctions that are unique to and appropriate for the violation in question to realize learning outcomes.

First and less severe violations typically result in lesser sanctions, while severe and repeat offenses may result in more significant sanctions up to and including suspension or expulsion from the University. In all instances, individual circumstances are used by University conduct personnel in determining specific learning outcomes and sanctions.

Possible sanctions include but are not limited to:

**Alcohol Education Programs:** May be issued to students who were involved in alcohol-related violations of University policy.

**Apology Letter:** May be issued to students whose behavior had a negative impact on an individual or business more so than the community at large (i.e., theft).

**Drug Education Program:** May be issued to students who were involved in drug-related violations of University Policy.

**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.

**Newsletter/Bulletin Board:** May be issued to students to reflect on the behavior and share with others how the behavior adversely impacts the living environment.

**Community Service Projects:** A community service project consists of assignments or tasks to be carried out for a specified time. Examples include working with the housing or facilities staff, meeting with University Police.

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

**Verbal Warning:** A verbal acknowledgement that community standards and/or expectations have been disregarded. This is the lowest level of administrative sanction and may or may not accompany an educational sanction.

**Letter of Concern:** A written acknowledgement that community standards and/or expectations have been disregarded. This sanction may be issued when a student disregards a more serious community standard, contract term condition, University policy, or participates in repeated inappropriate behavior.

**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.

**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 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. 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 require 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 to 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.

**Disciplinary 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. Students on Disciplinary Suspension are ineligible to be on campus and may be arrested for trespassing if found on campus during the suspension period. A student may request to come to campus to attend to financial matters, to retrieve his/her belongings, to seek advising, or to consult with specified University Staff only with express permission from the Vice President for Student Affairs and for a specific time and duration.

**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 and will provide the student with specific information about how to collect his/her personal effects from campus and at what date/time. Students who are expelled will be involuntarily removed from University Housing, all coursework, and any other personal

interactions with the University. Expelled students will be considered trespassers on University property unless specific permission to be on University property is granted by the Vice President for Student Affairs. 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.

## Chapter 7: Residence Hall Policies and Procedures

These policies have been developed to address residence hall management in typical conditions. In the event conditions become atypical, such as experienced during the COVID-19 pandemic, these policies may be amended which would supersede where a conflict in existing policies occurs.

Housing for Carlow University students is in Dougherty and Frances Warde Halls. The residence halls are staffed by the professional Student Affairs and Residence Life staff, graduate assistants, and undergraduate resident assistants (RAs). Collectively, they are responsible for supporting the personal, developmental, and group needs of resident students and for providing a safe living-learning experience. RAs live with the students on the Residence Hall floors. They help to manage the residence hall, communicate important information to residents, counsel and/or refer students with challenges, support residents' growth and development, help students adjust to a group-living environment and maintain an atmosphere conducive to learning. They are also responsible for addressing and documenting code of conduct violations.

All Carlow University resident students share responsibility for the living-learning environment in the residence halls. The following policies and procedures exist to help residents be comfortable, safe, and academically successful. Policies in the residence halls are continually reviewed and revised to support the best possible environment. The Director of Residence Life, with guidance from the Assistant Dean of Student Affairs and Vice President for Student Affairs has the authority to create, communicate, and implement new residence hall policies to meet unforeseen circumstances. Should new policies be required once the academic year begins, students will receive appropriate notification, within a timeline fitting of the circumstances leading to the policy change, prior to the new policy implementation.

### **Air Conditioners**

Each room in the residence hall is equipped with an air conditioner. The unit is installed and maintained by the University's Facilities Department. Resident students are not permitted to install personal air conditioning units or remove existing units from the windows.

### **Animals**

No animals or pets, including laboratory specimens, are permitted in the residence hall, except for fish in an aquarium not to exceed 10 gallons. During extended breaks/ vacations, residents are not required to unplug the aquarium. Students who have a qualified, documented disability that necessitates a trained Service Animal, or who make a request for another type of assistance animal should review and follow the policy on the [Disabilities Services](#) website. No assistance animals will be permitted for students on the Carlow University campus without proper documentation and approval from the Disability Services Office. Complete a confidential request form to indicate your request for suggested accommodations at [bit.ly/2MM6uS5](http://bit.ly/2MM6uS5).

## **Bicycles**

Personal bicycles must be stored in student rooms. They may not be kept in lounges, stairwells, or halls. By parking your bicycle at Carlow, you agree to abide by the following expectations:

- Bicycles must always be appropriately secured
- Bicycle racks are available for student use and are not allowed to be parked in campus common areas, against railings, trees, poles, pipes, trash cans, or any other fixed object. Students are responsible for locking their bicycles properly.
- If your bicycle is improperly parked, or if for any reason the University needs to move your bicycle, the police will remove the lock and impound the bicycle. The University reserves the right to remove any bicycle that is not properly stored at the owner's risk.
- The University assumes no responsibility for bicycles parked on the Carlow University campus.

## **Children in the Residence Hall**

Residents may not perform babysitting services within the residence halls, including for members of their own families. Children five and under are not permitted in the Residence Hall. Children 12 and under who are not enrolled at the University may not stay overnight in the Residence Hall. Please refer to the Children on Campus policy for more information.

## **Climbing and Scaling Walls**

Climbing, scaling, or rappelling from any University structures internal or external walls or roofs is prohibited.

## **Clothing and Footwear in Public Areas**

Hallways of the residence halls are considered common (public) areas, and students are expected to dress appropriately when outside their rooms. It is recommended that, at minimum, a bathrobe and footwear be worn in lounges, laundry rooms, elevators, halls, and stairwells of the residence hall.

For health and safety reasons, footwear must be worn in all lobbies, lounges, and public areas. Footwear must also be worn during a fire or other evacuation emergency.

## **Co-habitation**

Residence hall rooms are designated for use by the student who has a signed contract. Under no circumstances may anyone other than assigned residential students live together in an assigned University residence hall room.

## **Common Areas**

There are laundry rooms and bathroom facilities on each wing of the residence hall. Lewd, indecent, or disruptive behavior in common area spaces is prohibited. All university policies

apply to common areas.

Each residence hall wing has a common bath with several sinks, toilets, and showers. The shower stalls are single occupancy only. Under no circumstances may two or more people be in the shower together. Members of the opposite sex are not permitted in the common area floor restrooms.

## **Damage Assessment Fees**

Students are responsible for any damage that may occur in their room and will be billed for assessed damage. University officials, including RAs, may enter a room for the health, safety, or welfare of students, the performance of maintenance checks or duties, or the enforcement of University regulations.

For a full list of damage charges, please refer to the Residence Life MyCarlow page.

## **Damage to University Property**

Damage or theft of University property occurring in common areas is the joint responsibility of the occupants sharing the facilities. Occupants will be billed for damage or theft. Damage or theft of the University materials from the lounges, study rooms, bathrooms, and other similar common areas located in the living areas of the residence hall, will be billed to students living in that area. Misuse or abuse of facilities (i.e., TV lounges, study lounges, hallways, laundry rooms, elevators, etc.) may result in damage charges and/or result in restriction of its use.

For a full list of damage charges, please refer to the Residence Life MyCarlow page.

## **Deposits**

Returning students make a deposit during the spring semester to hold a space for the next fall. This amount is credited to the cost of the student's next semester housing charge. Further information regarding student financial obligations regarding housing can be found in the Housing Contract.

## **Electrical Appliances**

The safe and proper operation and maintenance of electrical or electronic appliances are the responsibility of the student. The following guidelines apply:

- Only one television per resident is permitted.
- Students may not connect a TV, stereo, or other device to the cable of the TV in the TV lounge. Each room is supplied with a microwave and refrigerator by the University. Students are not permitted to bring additional microwaves or

refrigerators into the residence hall.

- All electrical appliances must be kept in good working condition and are subject to inspection by University employees, including RAs. The University also reserves the right to confiscate unauthorized electrical appliances. Confiscated materials will be returned to students on their next trip to their permanent residence.

The following electrical appliances are permitted in the residence halls:

- Irons (permitted only in laundry rooms)
- Televisions/DVD players/other small electronics
- Personal computers/printer
- Personal care appliances such as hair dryers, curling irons, hair straighteners are permitted but must always be unplugged when not in use.
  - A silicone cover or cooling rack for such appliances is recommended.
  - Special caution should be used when using aerosol products with hair appliances, since they can easily trigger the fire alarms. A student who repeatedly sets off a fire alarm by using aerosol products or hair appliances may be assessed for the cost.
- Personal appliances necessary to enhance access for students with disabilities will be addressed on a case-by-case basis in collaboration with the Disabilities Services Office.

Residents are not permitted to use the following appliances:

- Electric mattress pads or electric blankets
- Electric potpourri pots
- Kerosene or electrical heaters
- Appliances with an open or exposed heating element, such as hotplates
- Appliances that produce grease
- Octopus-type electric plugs
- Air conditioners
- Sun or halogen lamps
- Toasters and toaster ovens
- Air fryers

## **Fire Prevention**

To reduce the chance of fire in our residence halls the following regulations are in place:

- Electric circuits should not be overloaded. It is recommended that students use surge protectors for electronic equipment, as the University does not assume responsibility for damage.
- One three-way extension per two-plug outlet is the maximum allowed.
- All electrical appliances must be kept in good working condition and are subject to inspection by University officials.

- Metal wastebaskets are recommended in student rooms.
- Burning candles, incense, and any other item using an open flame in the residence hall is strictly prohibited.

## **Floor and Hall Meetings**

Safety, security, and other important topics are discussed at floor and hall meetings. Residents are required to attend and are responsible for the information disseminated at all meetings. A resident who has a schedule conflict with a floor or hall meeting should inform the RA and arrange time with the RA individually.

## **Hall Sports**

Sporting activities are not permitted in the residence hall. This includes dribbling balls, rollerblading, Frisbee throwing, and other similar recreational activity. Exercise equipment (i.e., stationary bikes, treadmill) is permitted in individual student rooms only with the agreement of the roommate(s) and with the approval of Residence Life/Student Affairs. Any damage resulting from such behavior, intended or otherwise, will be the responsibility of the involved student.

## **Insurance Responsibility and Personal Property Liability**

The University assumes no legal responsibility for the loss of or damage to personal property due to insufficient or excessive heat, fire, smoke, water, the elements, or action of third persons. Residents are encouraged to review homeowner's policies and/or purchase renter's insurance protection for their personal belongings.

## **Keys**

Each student will be issued a room key when they move into the residence hall. If the key is lost, it must be reported immediately for all residents' safety. Students should check with campus life, campus police, or the Frances Warde Hall emergency dispatcher if keys are lost. A replacement charge of \$50 will be assessed to re-key the lock.

## **Laundry Rooms**

Laundry rooms are located on each floor section. These areas should be kept clean and neat. Please be considerate of others waiting to do their laundry. If students notice that a washer or dryer is not working properly; they are encouraged to call National Apartment Laundries to report the problem. National Apartment Laundries can be reached by calling 412.361.2222.

## **Lofts and Beds**

Beds cannot be disassembled or altered in any way. Mattresses cannot be kept on the floor and beds cannot be bunked together. Waterbeds are prohibited. All furniture present in residence hall rooms upon check-in must always remain in the room, and there is no storage provided for unwanted furniture. Students will be charged for missing or damaged furniture at the time of move-out. If a disability requires a furniture alteration, an accommodation must be requested

through the Disabilities Services Office.

## **Mail Service**

All resident students are assigned a mailbox. All mail should be addressed as follows:

Student Name  
Carlow University  
3333 Fifth Avenue  
Pittsburgh, PA 15213

Note: Tampering with mail may result in disciplinary action, termination of the residence hall contract, and/or charges issued through the campus police department.

## **Parking**

Due to limited campus parking, residence hall students cannot purchase a permit to park on campus. Exceptions to this policy must be approved by the Chief of Police. Resident students are permitted to obtain eight (8) temporary one-day permits per semester. To obtain a temporary pass, students should stop at the dispatch center with their student ID, make, model and license plate number of the vehicle they wish to obtain the permit for.

Please consult the Parking page on Isadora for information about alternative parking options, bicycling, and public transportation.

Visitors to the residence hall must get a temporary parking permit from the police dispatcher office located at the entrance to Frances Warde Hall before parking their vehicle in Lot C. Visitors must obey all the rules and restrictions concerning parking or be subject to fines and/or towing.

## **Repairs**

When a room or other area of the residence hall needs to be repaired, requests for such work should be made through the RA or Office of Student Affairs, or in the event of an emergency, to the front desk at 412-578-6007. University personnel and contractors can be found in the building at all hours of the day for repairs and the checking of complaints or concerns. The facilities department receives all work orders.

## **Registered Status**

Only full-time undergraduate students (12 credits or above) may reside in the residence halls. If a student needs to drop below 12 credits during the semester, they may appeal to the Director of Residence Life for permission to remain in the room. Such permissions are considered on a case-by-case basis and are not automatic.

## **Residence Hall Safety**

Within the residence hall, all safety, medical, and/or security emergencies should be directed to 412.578.6007. There is an emergency dispatcher on duty 24 hours per day who can quickly contact campus police, paramedics, and/or the fire department. The dispatcher can provide emergency personnel with detailed directions to facilitate emergency assistance.

## **Residence Hall Security**

A Carlow ID card must always be used to obtain access to the residence halls. The main entrance to Frances Warde Hall is monitored by Police personnel 24 hours a day. In addition, this area is secured via a public surveillance system. An elevator card access system is in place for security reasons.

The ground floor door to the residence hall is always locked. A Carlow ID card must be used to obtain access between the hours of 6 a.m. to 9 p.m. After 9 p.m. all students must enter the building by the front door, third floor entrance. Anyone caught propping the door, allowing other students or non-residents access, or entering through that door after 9 p.m. will be subject to Student Conduct procedures and consequences.

## **Room Assignments and Lottery**

All resident students are required to have a roommate or pay additional charges for a single room when available. Typically, first year students are not granted singles. Housing and roommate assignments are made during the summer months for new residential students. The room lottery, held in the spring of each year, is for students returning to the residence hall to reserve a room.

## **Room Inspection**

Announced or unannounced room inspections may be made throughout the year. Tampering with any residence hall door to hinder entry/exit is strictly prohibited and will result in a charge for any resulting damage and/or disciplinary action. Students' rooms should be kept clean to preclude health hazards.

## **Room Vacancies**

The staff in Student Affairs and Residence Life reserves the right to consolidate students as vacancies occur. Students who unexpectedly have a vacancy when a roommate leaves housing are required to accept a new roommate as assigned by Residence Life.

## **Window Screens/Signs**

Window screens are not to be removed. No objects (including liquids) may be thrown or dropped from windows. Students may not post materials or displays that are outward facing or in view from common locations, including but not limited to political statements or candidate posters.

## **Storage**

All personal belongings must be removed from students' rooms at the end of the academic year. No items may be left in storage in rooms previously occupied nor in rooms assigned for the next academic year. Students may only keep personal belongings in one residence hall room, even if they reside in the residence hall during the summer months. The University assumes no responsibility for personal belongings left in the residence hall after the assigned move out date.

## **Study Rooms**

Study rooms are available throughout the residence hall, and may be used on a first come, first served basis.

## **Vacation Periods**

The residence halls are closed for designated holiday breaks (Thanksgiving, Christmas, and Spring Break). Students are expected to make travel arrangements in advance, so they are prepared to leave at the appropriate time. A written request to Residence Life must be made by those needing to remain past the hall closing time due to special circumstances, but students should not expect to remain in the residence halls during breaks. All campus facilities are closed during breaks.

## **Visitation Policy and Procedures**

To ensure that visitors to the residence hall do not compromise the safety or privacy of resident students, all students shall have the privilege of visitation in accordance with the general policies of the residence hall. Dispatchers, Campus Police, and RAs are responsible for supervising visitation in the residence hall. Guest visitation is permitted as follows:

Compliance with the visitation policy is required of all students. Those who demonstrate an unwillingness to comply will be subject to visitation violation warnings, citations, or have visitation privileges revoked, based on the severity of the incident. Visitation violations are issued by RAs and followed up by a member of the Residence Life staff.

Visitors to the residence hall must get a temporary parking permit from the dispatcher before parking their vehicles in campus parking lots. Visitors must obey all the rules and restrictions concerning parking on campus or be subject to fines and/or towing.

Remember, guests in the residence hall are the resident's responsibility. Guests are not permitted to disrupt the living arrangements and/or privacy of the floor or its residents.

- Guest visitation to the room is at the discretion of the roommate(s).
- The host must always escort their visitor(s). The host will ensure that visitors do not violate the privacy of other residents on the floor. Each resident is responsible for

- the actions of their guests, including damage, noise, or any other policy violation.
- Guests are to enter the residence halls via the main driveway lobby entrance only and must remain in the lobby until their host arrives to sign them in at the dispatch desk.
  - Each resident must sign in with their guests upon their arrival and sign them out upon their departure. There is no guest sign-in between the hours of 1:00 a.m. and 6:00 a.m. Any guest signed in after midnight or not signed out by midnight will be counted as an overnight guest.
  - Residents are permitted to have two (2) overnight guests per night and two (2) unique overnight guests per week (Sunday – Saturday). Residents are not permitted to have overnight guests for more than two consecutive nights. Residents must sign in their overnight guests by midnight and must sign their overnight guests out by 12:00 p.m.
  - The host will record the resident student's name, room number, and ID card, and the name and ID of all guests, along with the date and time.
  - Each resident may sign in three (3) guests at a time. All guests must relinquish a picture ID when signing in. In the event a visitor does not have a picture ID, the host must leave an ID in order to sign the guest in. Only one guest may be admitted if the host's ID is used. Picture IDs will be returned upon signing out of the residence hall.
  - If leaving the residence hall with the intent of returning after the posted sign-in time of midnight, the visitor's ID will be exchanged with the host's ID. The host and guest will then be permitted readmission after midnight.
  - Members of the opposite sex are not permitted in the common area restrooms on each floor.

## Quiet and Courtesy Hours

Courtesy hours are always in effect. To ensure that students have the opportunity for quiet time for study and relaxation in the residence hall, quiet hours of 10:00 p.m. – 10:00 a.m. on weeknights (Sunday – Thursday) and 12:00 a.m. – 10:00 a.m. on weekends (Friday and Saturday) are posted throughout the building. Twenty-four-hour quiet hours are in effect during final exam week (Friday before finals at 12:00 a.m. until 10:00 a.m. the Saturday after).

Additionally:

- Residents of each floor, under the leadership of the RA, may plan a mutually agreeable system for additional quiet hours. These hours are to be posted on each floor.
- All residents have the responsibility of maintaining quiet and courtesy hours. RAs will address any violations they encounter, and violators of quiet or courtesy hours may be subject to conduct procedures.
- Any noise (music, TV, etc.) during quiet hours that can be heard in the hall from more than two doors down the hallways is too loud. Students who wish to listen to loud music must use headphones.

## **University Furniture**

All University furniture must remain in the room unless permission to remove it is granted by a member of the Office of Residence Life. Lounge and other university furniture not designated to student rooms are not allowed in residence rooms.