Sexual Misconduct Policy
for
Westminster College
(“College”)

1. Introduction

The College prohibits all forms of sexual discrimination, including sexual misconduct. The College is committed to addressing sexual misconduct in a manner consistent with applicable law. A notice of the College’s policy of nondiscrimination shall be widely disseminated on the College’s campus to students, employees, applicants for admission and applicants for employment. The notice shall be included in any bulletins, announcements, publications, catalogs, application forms, or recruitment materials distributed to the College community, including all applicants for admission and employment, students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the College. The notice shall specifically state that (a) the College does not discriminate on the basis of sex in its education programs and activities, (b) the College is required by Title IX not to discriminate in such a manner, and (c) questions concerning Title IX may be referred to the College’s Title IX Coordinator or to the Office of Civil Rights at the United States Department of Education. The notice of non-discrimination shall state the office address, telephone number and email address of the College’s Title IX Coordinator, or its lead Title IX Coordinator if there is more than one. If the President designates more than one Title IX Coordinator, the contact information for the other Title IX Coordinators shall be included in the notice of nondiscrimination.

Specifically, it is the policy of the College that designated staff members take immediate and appropriate steps to investigate or otherwise determine what happened when the College knows or reasonably should know of possible sexual misconduct. When sexual misconduct is determined to have occurred, the College shall take prompt and effective steps reasonably calculated to end the sexual misconduct, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. All complaints shall be processed in accordance with the procedures established in this policy.

It is also the policy of the College to protect any student filing a complaint alleging sexual misconduct and to ensure the student’s safety as necessary, including taking interim steps to protect the student prior to the final outcome of any investigation. It is the College’s duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual misconduct. This duty also applies to complaints involving parties of the same sex, and it requires the College to use the same procedures and standards used in all complaints involving sexual misconduct.

Inappropriate conduct by College personnel toward students is prohibited, and College policies shall identify procedures for identifying and responding to inappropriate conduct by College personnel.
2. Scope of Policy

a. Persons, Conduct, Locations, Programs, Activities and Relationships Covered - All of College’s students, employees, and campus visitors are covered by this policy, regardless of sexual orientation or gender identity. This policy applies on all property owned by the College, on all property at which the College holds educational programs or activities, and on all airplanes, buses, or other vehicles used to transport the College’s students, and this policy applies to all of the College’s educational programs and other activities. This policy, the name and contact information of the Title IX Coordinator, and other resources related to Title IX compliance and gender equity shall be maintained on a page on the College’s website, and a link to this page shall be prominently displayed on the College’s homepage.

b. Overview of Confidentiality Policy - The College’s confidentiality policy is set forth in Section 6.

3. Options for Assistance Following an Incident of Sexual Misconduct

The College shall take prompt steps to protect the complainant once the College has notice of sexual misconduct. The College shall take interim measures, including academic accommodations, to protect the complainant and witnesses as necessary while any criminal or campus investigation is underway and before the final outcome of any investigation. College officials should be mindful that sexual misconduct can result in delayed decision-making by a student who has experienced sexual misconduct. In anticipation of the need for support services from other agencies in the community, the College shall enter memoranda of understanding with other agencies as may be necessary to meet the College’s obligation under Title IX. The College shall enter a memorandum of understanding with local victim services provider if the College does not offer services required by Title IX. All such memoranda shall comply with all FERPA requirements. In the event of an alleged off-campus sexual misconduct incident, the College shall protect the student and the College community in the same manner it would had the sexual misconduct occurred on campus. Further, the College shall handle off-campus sexual misconduct incidents as it would handle other off-campus incidents of misconduct or violence and consistent with any applicable law. If the College has a sexual assault response coordinator, that person must be consulted in identifying safety risks and interim measures that are necessary to protect the student.

a. Immediate Assistance - In the event of a sexual assault, various resources are available to students. Updated names and contact information can be found on the College’s website at:
http://www.westminster.edu/campus/services/sexual-assault-information/getting-help.cfm

i. Trained on- and off- campus advocates and counselors who can provide an immediate confidential response in a crisis situation:
Name and Contact Information: Dr. Glorianna Pionati, Counselor
Counseling Services, Westminster College
724-946-7340

Name and Contact Information: Mr. JJ Walker, Director
Public Safety Department
Westminster College
724-946-6216

Name and Contact Information: Mr. Carllos Lassiter
Vice President for Student Affairs
Westminster College
724-946-7110

Name and Contact Information: Ms. Kim Christofferson
Director, Human Resources
Westminster College
724-946-7247

ii. Emergency phone numbers for on- and off-campus safety, law
enforcement and other first responders, including the Title IX Coordinator:
    Campus Safety/Police: 724-946-7777
    Local Police: 724-946-8841
    Ambulance: 724-946-7777
    Title IX Coordinator: 724-946-7110

iii. Advocates who can accompany a victim to the hospital or other health
    care provider:
Name and Contact Information: Alicia Clark-Williams, Student Advocate
Westminster College
Cell: 330-774-3964

Name and Contact Information: Michael Angiolelli, Student Advocate
Westminster College
Cell: 330-301-5885

Name and Contact Information: Rev. Jim Mohr- College Chaplain
Campus Mailbox 66
Campus Address: MCC 224
724-946-7116
Cell: 724-813-5894

iv. The Sexual Assault Response Team (SART) can provide the following
    resources and support and can be accessed by:
    Dr. Glorianna Pionati,
    Counselor 724-946-7340
v. Health care services are available as follows:

On-Campus: Student Health Center
Mrs. Melissa Baron,
Director 724-946-7927

Off-Campus: Crisis Shelter of Lawrence County
724 652-9036 (24 Hr. Crisis Hotline)
Services: Counseling, Educational and Support Groups, Legal Advice

Off-Campus: UPMC Jameson Hospital
Wilmington Road
New Castle, PA 16101
724-658-9001

vi. A Sexual Assault Nurse Examiner (SANE) can be found or a rape kit can be obtained at:

Off-Campus: UPMC Jameson Hospital
Wilmington Road
New Castle, PA 16101
724-658-9001

Any victim of sexual misconduct should be aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other services. Complainants are encouraged to discuss with healthcare providers, campus officials, and/or first responders the option of seeking medical treatment in order to preserve evidence which may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protective order.

Alleged offenses may be simultaneously reported to the law enforcement agencies or to College officials designated in Section 6, and complainants may (a) notify law enforcement authorities, (b) be assisted by campus authorities in notifying law enforcement authorities if the complainant chooses, or (c) decline to notify such authorities. Complainants may also be able to obtain orders of protection, no contact orders, restraining orders, or similar lawful orders issued by an appropriate court.

College officials should be mindful of the College's obligation to provide interim measures to protect the complainant in the educational setting. The College must consider a number of factors in determining what interim measures to take, including, (a) the specific need expressed by the complainant, (b) the age of the students involved, (c) the severity or pervasiveness of the allegations, (d) any continuing effects on the complainant, (e) whether the complainant and the respondent share the same residence hall, dining hall, class, transportation or job location, and (f) whether other judicial measures have been taken to protect the complainant. The College shall minimize the burden of any interim measures on the complainant. The College will provide counseling services without charge to the complainant if the College determines that counseling is necessary as a part of its Title IX obligation to protect
the complainant while the investigation is ongoing. Non-professional counselors or advocates shall consult with students regarding what information needs to be withheld to protect each student’s identity. The College shall notify the complainant of complainant's options to avoid contact with the respondent and allow the complainant to change academic and extracurricular activities or complainant's living, transportation, dining, and working situation as appropriate. The College shall ensure that the complainant is aware of (a) complainant's Title IX rights, (b) any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and (c) the right to report a crime to campus or local law enforcement. The College shall not dissuade a complainant from filing a criminal complaint either during or after the College’s internal Title IX investigation.

b. Ongoing Assistance - Updated names and contact information of several trained advocates comprising faculty, student, and staff are listed and can be found on the College’s Sexual Assault Information Portal online at:
http://www.westminster.edu/campus/services/sexual-assault-information/getting-help.cfm

i. Counseling, Advocacy and Support - On and Off Campus
1. Counseling and support services for victims of sexual misconduct, whether or not a complainant chooses to make an official report or participate in the College’s disciplinary process or criminal process, include:
Name and Contact Information: Dr. Glorianna Pionati, Counselor 724-946-7340

Name and Contact Information: Rev. Jim Mohr- College Chaplain
Campus Mailbox 66
Campus Address: MCC 224
724-946-7116
Cell: 724-813-5894

2. Confidential counseling, advocacy, health, mental health, or sexual-misconduct-related sources, can be found both on and off campus as follows:
On-Campus: Dr. Glorianna Pionati, Counselor 724-946-7340

Off-Campus: Crisis Shelter of Lawrence County 724 652-9036 (24 Hr. Crisis Hotline) Services: Counseling, Educational and Support Groups, Legal Advice

3. Ongoing support during the College’s disciplinary process or the criminal process can be found as follows:
Name and Contact Information: Crisis Shelter of Lawrence County 724 652-9036 (24 Hr. Crisis Hotline) Services: Counseling, Educational and Support Groups, Legal Advice
ii. Academic Accommodation and Interim Measures

1. The College can provide immediate steps to ensure the safety and well-being of the complainant, such as the ability to relocate immediately to another campus-owned residence hall, the issuance of no contact orders, and providing access to emergency medical and mental health services.

2. The College may be able to provide additional interim measures for complainants while an investigation is pending, such as no contact orders and changing the respondent's living arrangements or course schedule, change on-campus work schedules, alter academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g. tutoring).

4. Title IX Coordinator

The Title IX Coordinator shall help the College comply with Title IX and promote gender equity in education. The President shall designate at least one employee to coordinate the College’s efforts to comply with and carry out responsibilities under Title IX. The position must not be left vacant; the College must have at least one person designated and actually serving as the Title IX Coordinator at all times. The name and current contact information of the Title IX Coordinator can be found on the College’s website at:

The College shall notify all students and employees of the name or title and contact information for the Title IX Coordinator. The President shall give the Title IX Coordinator the training, authority, and visibility to fulfill the required duties set forth in this section and elsewhere in this policy in sections, 1, 3, 4, 6, 7, 9 and 10. The Title IX Coordinator shall have knowledge of Title IX requirements, of the College’s policies and procedures on sex discrimination and of all complaints raising Title IX issues throughout the College. The College shall appropriately train the Title IX Coordinator in all areas over which the Title IX Coordinator has responsibility and ensure that the Title IX Coordinator possesses comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities. The Title IX Coordinator shall be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation is to be conducted by another individual or office. All College officials are prohibited from interfering with the Title IX coordinator's participation in complaint investigations and monitoring of the College's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator shall be available to meet with students as needed. The Title IX Coordinator shall have no other job responsibilities which create a conflict of interest with the responsibilities associated with being the Title IX Coordinator. The Title IX Coordinator shall report directly to the President. If more than one Title IX Coordinator is designated by the President, the College’s notice of nondiscrimination and the College’s grievance procedure shall describe each coordinator’s duties and shall designate one coordinator as having ultimate oversight responsibility. If more than one Title IX Coordinator is designated by the President, (a) all Title IX Coordinators are encouraged to work together to ensure consistent enforcement of this policy and Title IX, and (b) the website shall include any additional information that would help students and employees identify which Title IX
Coordinator to contact, such as a geographic area or an area of Title IX specialization. The Title IX Coordinator shall review all processes used to resolve complaints of sexual misconduct to ensure that they (a) comply with requirements for prompt and equitable resolution of these complaints, (b) allow for appropriate interim measures to be taken to protect the complainant during the process, and (c) provide for remedies to the complainant and College community where appropriate. The Title IX Coordinator shall be knowledgeable about other applicable federal and state laws, regulations, and policies that overlap with Title IX. The College shall provide training for the Title IX Coordinator that explains the different facets of Title IX, including regulatory provisions, applicable OCR guidance, and the College’s Title IX policies and grievance procedures. The Title IX Coordinator shall be involved in the drafting and revision of such processes and policies to help ensure that they comply with the requirements of Title IX. The College shall provide the Title IX Coordinator with access to information regarding enrollment in particular subject areas, participation in athletics, administration of College discipline, and incidents of sex-based harassment to allow the Title IX Coordinator to identify and proactively address issues related to possible sex discrimination as they arise. The Title IX Coordinator shall also review the College’s disciplinary policy to ensure it does not have a chilling effect on student’s reporting of sexual misconduct offenses or participating as witnesses.

5. Definitions

As used in this policy, the phrases and words listed shall have the meanings set forth below:

Consent - Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

Counseling employees - Pastoral and professional counselors who are licensed by the state in which they practice and employed by the College and other non-licensed employees working under the direct supervision and control of the licensed employees such that non-licensed employees are covered by the licensed employees’ statutory privilege.

Dating violence - Violence committed by a person who is 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 reporting party’s statement and with consideration of the length of the relationship, the type of the 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, but it does not include acts covered under the definition of domestic violence.

Domestic violence - A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the complainant, (b) a person with whom the complainant shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) 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 the jurisdiction in which the crime of violence occurred.

   Educational setting - All of the College’s academic programs and other activities of whatever nature on campus and at every other location where the College conducts authorized programs or activities.

   Incapacitation - Any situation in which a person is incapable of giving consent due to the student’s age, state of consciousness, use of drugs or alcohol, or an intellectual or other disability.

   Intimidation - The intentional act of coercing or frightening someone to engage or not engage in conduct of a sexual nature against that person’s will.

   Hostile environment - “Hostile environment” means activity or conduct involving sexual harassment that is sufficiently serious that it interferes with or limits a student’s ability to participate in or benefit from the College’s program.

   Non-consensual sexual contact - Any physical touching of a sexual nature which is not preceded by consent or which continues after a previous consent is withdrawn.

   Non-consensual sexual intercourse - Any sexual intercourse which is not preceded by consent or which continues after a previous consent is withdrawn. “Sexual intercourse” includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation.

   Responsible employees - The President, Vice Presidents and Deans of the School, the Title IX Coordinator, faculty members, resident advisors (RAs) and their supervisors, and School security officers are responsible employees.

   Retaliation - The act of seeking revenge upon another person.

   Sexual assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting program.

   Sexual exploitation - The abuse of a position of vulnerability, differential power, or trust for sexual purposes.

   Sexual harassment - Unwelcome conduct of a sexual nature.

   Sexual misconduct - Any act of sexual harassment, sexual misconduct, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, intimidation, dating violence, or domestic violence, or any act that creates a hostile environment or any act of retaliation against a complainant or anyone involved in a grievance procedure under this policy.

   Sexual violence - Physical sexual acts perpetrated against a person’s will or with a person who suffers from incapacitation. “Sexual violence” also means same-sex conduct that violates the College’s prohibition on sexual violence.

   Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person’s safety or the safety of others, or (b) suffer substantial emotional distress. As used in this definition, “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker 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; “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and “reasonable person” means a person under similar circumstances and with similar identities to the complainant.
Title IX Coordinator - The person designated as such by the College’s president or the person temporarily designated by the Title IX Coordinator to serve in that capacity during the Title IX Coordinator’s incapacity or absence from the College’s campus.

6. Reporting Policies and Protocols

The College encourages victims of sexual misconduct to talk to somebody about what happened so complainants can get the support they need and so that the College can respond appropriately. Different employees on campus have different abilities to maintain a complainant’s confidentiality:

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication."
- Other employees may talk to a complainant in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the complainant’s wishes.
- Thirdly, some employees are required to report all of the details of an incident (including the identities of both the complainant and the respondent) to the Title IX Coordinator. A report to these employees (called “responsible employees”) constitutes a report to the College - and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students and their parents, if appropriate, aware of the various reporting and confidential policies available to them - so they can make informed choices about where to seek assistance should they become a victim of sexual misconduct and so they will know how to report any problems relating to retaliation which may subsequently arise. The College encourages complainant’s to talk to someone identified in one or more of these groups.

a. Reporting Required - All responsible employees must be aware of their own reporting responsibilities and the importance of informing complainants of (a) the reporting requirements of responsible employees, (b) complainants’ option to request confidentiality and available confidential advocacy, counseling, or other support service, and (c) complainants’ right to file a Title IX complaint with the College and to report a crime to campus or local law enforcement. All responsible employees shall report incidents of sexual misconduct to the Title IX Coordinator, subject to the exemption for the College’s counseling employees. All other employees shall respond to reports of sexual misconduct by notifying a responsible employee of the information pertaining to the incident of sexual misconduct. The College shall take the following steps to ensure that a student understands an employee’s reporting obligation before the student reveals any information to that employee:

1. The College discloses what is considered a mandatory reporter and the attendant obligations in the Handbook for Student.

2. The Title IX Coordinator sends an email to all campus twice annually identifying reporting obligations.
3. Residence Life staff training seminars at the beginning of each year and Sexual Assault Task Force training sessions to ensure that employees/staff have the necessary information at their disposal to educate a student(s) in crisis.

4. Further information for reporting obligations can be found in the Getting Help section of the College’s Sexual Assault Information Portal at: https://www.westminster.edu/campus/services/sexual-assault-information/getting-help.cfm

b. Responsible Employees - Responsible employees shall report to the Title IX Coordinator all relevant details about the alleged sexual misconduct that the student or other person has shared and that the College will need to determine what occurred and to resolve the situation. Before a student reveals information that the student wishes to keep confidential, a responsible employee, including a resident advisor, should make effort to ensure that the student understands: (a) the responsible employee's obligation to report the names of the respondent and student involved in the alleged sexual misconduct, as well as relevant facts regarding the alleged incident to the Title IX Coordinator or other appropriate College officials, (b) the student's option to request that the College maintain the student's confidentiality which the College will consider, and (c) the student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services. Resident advisors and all responsible employees shall report the names of the respondent (if known), the student who experienced the alleged sexual misconduct, other students involved in the alleged sexual misconduct, as well as relevant facts, including the date, time and location to the Title IX Coordinator. A responsible employee, including a resident advisor, prior to providing information about the incident to the Title IX Coordinator, shall consult with the student about how to protect his or her safety and the details of what will be shared with the Title IX Coordinator. Responsible employees do not need to determine whether the alleged sexual harassment or sexual misconduct actually occurred or that a hostile environment has been created before reporting an incident to the Title IX Coordinator.

c. Requests for Confidentiality - Upon receipt of a complaint of sexual misconduct, the College must act immediately to protect the complainant while keeping the identity of the complainant confidential. The Title IX Coordinator and other appropriate College personnel shall determine, consistent with state and local law, whether appropriate law enforcement or other authorities should be notified. The Title IX Coordinator shall evaluate student requests for confidentiality and shall determine when such requests shall be honored. If the College has a sexual assault response coordinator, the Title IX Coordinator shall be consulted in evaluating requests for confidentiality. The Title IX Coordinator shall make every effort to respect requests for confidentiality. In considering a student's request for confidentiality that would preclude a meaningful investigation or potential discipline of the respondent, the Title IX Coordinator shall consider an evaluation of circumstances that suggest there is an increased risk of the respondent committing additional acts of sexual misconduct or other violence, such as: (a) whether there have been other sexual misconduct complaints about the same respondent, (b) whether the respondent has a history of arrests or records from a prior College indicated a history of violence, (c) whether the respondent threatened further sexual misconduct or other violence against the student or others, (d) whether the sexual misconduct was committed by multiple respondents, (e) whether the student's report reveals a pattern of perpetration at a given location or by a particular
d. Reporting Options - Students may use any combination of the following options to report sexual misconduct:

1. Criminal Complaint - Criminal complaints are filed with local law enforcement officials and the College is not involved in that process. Criminal complaints can be filed with the following agencies:

   Agency & Contact Information: New Wilmington Police Department  
   134 High Street  
   New Wilmington, PA 16142  
   Ph: 724-946-8841

   Agency & Contact Information: PA State Police  
   3539 Wilmington Road  
   New Castle, PA 16105  
   Ph: 724-598-2211

2. Institutional Complaint - Institutional complaints are filed with the College, and upon receipt of the complaint, the College will initiate an investigation by the College in accordance with this policy. Institutional complaints may be filed with the Title IX Coordinator. The Title IX Coordinator’s name and contact information are:

   Mr. Carllos Lassiter  
   Westminster College- Vice President for Student Affairs  
   724-946-7110
Institutional complaints can also be filed with the following offices:

Office & Contact Information: Mr. JJ Walker, Director
Public Safety Department
Westminster College
724-946-6216

Office & Contact Information: Ms. Kim Christofferson
Director, Human Resources
Westminster College
724-946-7247

3. Report to Responsible Employee - Reports made to responsible employees, including resident advisors are required by federal law to be relayed to the College’s Title IX Coordinator and will initiate an investigation by the College in accordance with this policy. Responsible employees are identified in Section 5. The Title IX Coordinator is a responsible employee. You can report sexual misconduct to any responsible employee.

4. Privileged and Confidential Reporting - Either as an alternative to the reporting options listed above or in lieu of reporting sexual misconduct to the individuals or offices listed above, students may make privileged and confidential reports of sexual misconduct to certain health or mental health providers or to certain pastoral counselors. While criminal complaints, institutional complaints, and reports to responsible employees will result in the initiation of an investigation, reports to health or mental health providers or to certain pastoral counselors are privileged and will remain confidential so long as the student filing the report does not represent a threat to his or her self or to others. Privileged and confidential reports may be made to:

On Campus Health Provider and Contact Information: Student Health Center
Mrs. Melissa Baron,
Director 724-946-7927

Off Campus Health Provider and Contact Information:
Crisis Shelter of Lawrence County
724 652-9036 (24 Hr. Crisis Hotline)

On Campus Mental Health Care Provider and Contact Information:
Dr. Glorianna Pionati, Counselor
Counseling Services located in the Student Health Ctr.
Ph: 724-946-7340

Off Campus Mental Health Care Provider and Contact Information
Crisis Shelter of Lawrence County
724 652-9036 (24 Hr. Crisis Hotline)

On Campus Pastoral Counselor and Contact Information
Rev. Jim Mohr- College Chaplain
Campus Mailbox 66
Campus Address: MCC 224
724-946-7116
Cell: 724-813-5894
Reports of sexual misconduct may be made by third-parties (individuals who were not the complainant or respondent) or anonymously to:

Dr. Glorianna Pionati,
Counselor
Counseling Services located in the Student Health Ctr.
Ph: 724-946-7340

Requests for amnesty from drug, alcohol, and other student conduct policies should be directed to the Title IX Coordinator who shall consider the request and make a recommendation to the President if the Title IX Coordinator believes the request should be approved in order to further the objectives of Title IX. The President may approve or disapprove the request after considering all of the College’s interests.

e. Reporting under the Clery Act - The College has various reporting obligations under the Clery Act which promotes campus safety by ensuring that students, employees, parents and the broader community are well-informed about important public safety and crime prevention matters. Details about the College’s reporting obligations under Clery may be obtained at: https://www.notalone.gov/assets/ferpa-clerychart.pdf. Depending on the circumstances, the Clery Act may also require the College to issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees. Certain Campus Security Authorities (CSAs) are required to report information gathered during the investigation of criminal activity. These CSAs include campus law enforcement officers, non-law enforcement campus security officers, and local law enforcement officers. These CSAs will typically be required to document incidents in a fashion that contains personally identifiable information about the parties involved and witnesses. Other CSAs, such as College officials, are not typically required to report personally identifiable information.

7. Investigation Procedures and Protocols

The College shall process all complaints of sexual misconduct, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity. The College shall determine whether any alleged off-campus sexual misconduct occurred in the context of an education program or activity of the College. If the off-campus misconduct occurred in the context of an education program or activity of the College, the College shall treat the complaint in the same manner that treats complaints regarding on-campus conduct. Once the College is on notice of an allegation of off-campus sexual misconduct against a student, the College shall assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment and, if so, the College shall address the hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct. Since there may be continuing effects of off-campus sexual misconduct while at College or in an off-campus education program or activity, if the off-campus sexual misconduct did not occur in the context of an education program or activity of the College, the College shall consider the effects of the off-campus misconduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity. The Title IX Coordinator or an individual designated by the Title IX Coordinator shall conduct the investigation of any complaint of sexual
misconduct under this policy. An investigation may entail interviews with witnesses, a review of any documentary or electronic evidence, a review of medical evidence, a review of campus security data, or a review of any other material which the investigator deems relevant to an assessment of the facts surrounding the complaint. As soon after the initiation of the investigation as possible, the Title IX Coordinator or the designated investigator shall notify all College employees or students who are believed to have documentary, electronic, or tangible evidence to preserve such evidence for the investigation. The investigation shall provide the respondent and the complainant with equitable rights during the investigation. The College will endeavor to complete investigations and resolve complaints within sixty (60) days of the date on which the complaint was received, but the College’s primary objective is a thorough investigation. Thus, if the Title IX Coordinator believes additional time beyond sixty days is necessary to complete a thorough investigation, the Title IX Coordinator shall advise the President of such information in writing and request an extension of time for the investigation, and such extensions shall be approved whenever the President believes an extension is warranted.

The College shall coordinate its Title IX investigation with any other ongoing College or criminal investigation of the incident and establish appropriate fact-finding roles for each investigator. Information that is subpoenaed by the Police or other law enforcement agencies, that is deemed necessary by the College to disclose in order to protect the campus or greater community, and information that must be disclosed by a Responsible employee and or directory information of the college may be shared with law enforcement during a parallel investigation. All other information not mentioned above may not be shared with law enforcement during a parallel investigation. The College shall consider whether information can be shared among the investigators so that complainants are not unnecessarily required to give multiple statements about a traumatic event. The College should not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation. If the fact-finding portion of the College’s Title IX investigation is suspended due to the existence of a criminal investigation, the College’s fact-finding portion of the Title IX investigation shall resume promptly once law enforcement officials have completed their evidence-gathering state of the criminal investigation. The College shall periodically update the parties on the status of the investigation and inform the parties when the College resumes its Title IX investigation following any delay associated with a criminal investigation.

The College shall immediately investigate any possible retaliation against the complainant, including threats, intimidation, coercion, or discrimination.

8. Grievance/Adjudication Procedures

The College has jurisdiction over Title IX complaints. The College shall adopt and publish grievance procedures for the prompt and equitable resolution of discrimination complaints, including harassment complaints, filed by complainants against College employees, students and third parties, which shall:

- Provide notice to students and employees of the grievance procedures, including where complaints may be filed.
- Explain generally the grievance/adjudication process.
• Ensure that hearings are conducted in a manner that does not inflict additional emotional trauma on the complainant.
• Explain the possible results of the adjudication process, including sanctions, remedies/accommodations for the complainant, and additional remedies for the College community.
• Explain that mediation is never appropriate in sexual misconduct cases.
• Notify the complainant of the right to end the informal process at any time and to begin the formal stage of the complaint process, if voluntary informal mechanisms for resolving some types of sexual harassment complaints are provided.
• Provide for the application of the procedure to complaints filed by students or on their behalf alleging sexual misconduct carried out by employees, other students, or third parties.
• Provide for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and the respondent to present witnesses and evidence.
• Designate reasonably prompt time frames for the major stages of the complaint process.
• Provide for simultaneous written notice to the complainant and the respondent of the outcome of the complaint and any appeal.
• Provide assurance that the College will take steps to prevent the recurrence of any sexual misconduct and remedy discriminatory effects on the complainant and others, if appropriate.
• Provide adequate definitions of “sexual harassment” and an explanation as to when such conduct creates a hostile environment.
• Include reporting policies and protocols, including provisions for confidential reporting.
• Identify the employee or employees responsible for evaluating requests for confidentiality.
• Provide notice that Title IX prohibits retaliation.
• Provide notice of a student’s right to file a criminal complaint and a Title IX complaint simultaneously.
• Provide notice of available interim measures that may be taken to protect the student in the educational setting.
• State the evidentiary standard that must be used (preponderance of the evidence) in resolving a complaint.
• Provide notice of the potential remedies for students.
• Provide notice of the potential sanctions or protective measures which may be imposed against the respondents, including, specifically, the sanctions regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.
• Provide sources of counseling, advocacy and support.
• Provides the respondent with due process.
• Provide for the extension of all rights given to the respondent to the complainant.
• Provide notice of hearing(s) to both parties.
• Identify a process by which either party may raise issues related to potential conflicts of interest of the adjudicators.
• Identify the trained individuals who will determine whether the alleged sexual misconduct occurred and the individuals who will determine the sanction.
• Provide for all proceedings to provide a prompt, fair, and impartial investigation and resolution.
• Provide for all proceedings to be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of complainant s and promotes accountability.
• Provide an equal opportunity for the parties to present relevant witnesses and other evidence.
• Provide the parties with similar and timely access to any information that will be used at the hearing.
• Provide a description of the types of evidence that may or may not be presented.
• Provide an equal opportunity for the parties to be represented by counsel.
• Impose equal restrictions on the ability of lawyers or other advisors to speak or otherwise participate in the proceedings.
• Identify the persons who may attend and/or participate in the adjudication process and the extent of their participation.
• Provide an equal opportunity for the parties to present expert testimony.
• Provide an equal opportunity for the parties to appeal.
• Require the same type of review be applied on appeal, regardless of which party files the appeal.
• Describe the appellate procedures, grounds for appeal, the person/entity that will decide appeals, and the applicable reasonably prompt time frames for appeal.
• Include a statement that the College will not require a party to abide by a nondisclosure agreement, in writing or otherwise that would prevent the redisclosure of information relating to the outcome of the proceeding.
• Provide an equal opportunity for the parties to be present at the hearing.
• Permit the hearing to proceed if the complainant is not present.
• Provide the parties with an equal opportunity to cross-examine witnesses.
• Provide a description of alternative methods that preclude the respondent from personally cross-examining the complainant.
• Require the College to notify both parties in writing about the outcome of the complaint.
• Require the College to notify both parties in writing if there is any change to the results of the hearing that occurs prior to the time that such results become final.
• Require the College to notify both parties in writing when such results become final.
• Require the College to notify the complainant as to whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant, and other steps the College has taken to eliminate the hostile environment, if the College finds one to exist, and prevent recurrence.
• Prohibit questioning about the complainant’s sexual history with anyone other than the respondent.
• Acknowledge that the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual misconduct.
• Prohibit College officials from notifying the respondent of the individual remedies offered or provided to the complainant.
• Require the College to offer the complainant all services needed to remedy the hostile environment on an interim basis.
• Require the College to offer the complainant all services needed as a final remedy to the hostile environment, even if the complainant declined the service as part of an interim measure.
• Require the College to consider remedies for the broad student population whenever the College is unable to conduct a full investigation.
• Require the College to take steps to provide appropriate remedies for the complainant and the broader student population when the respondent is not affiliated with the College.
• If the College uses its student disciplinary procedures to meet its Title IX obligations to resolve complaints of sexual misconduct promptly and equitably, require the College to assess whether imposing sanctions against the respondent, without additional remedies, will be sufficient to eliminate the hostile environment, prevent recurrence, and remedy effects as required by Title IX.

The College shall continue to protect the complainant after a determination that sexual misconduct has occurred.

The College’s Grievance Procedure, consistent with these requirements, is attached as Exhibit “A”.

9. Prevention and Education

This policy shall be accessible to students and employees with disabilities. This policy, reporting forms, information and training shall be accessible to students who are English language learners. This policy shall be distributed on campus in such a way that all students, regardless of their immigration status, including undocumented students and international students, are aware of their rights under Title IX. Title IX prohibits retaliation against the complainant, anyone who files a third-party report, any witness or anyone who otherwise participates in the investigative and/or disciplinary process, and the College will take steps to prevent retaliation and strong responsive action if it occurs, including any retaliatory actions by College officials. The College must routinely take steps to inform students that the College’s primary concern is student safety and that the use of alcohol and drugs never makes the survivor at fault for sexual misconduct.

a. Resident Advisors - As noted above, RAs are responsible employees. As such, RAs shall explain to the student (before the student reveals confidential information) that although the RA must report the names of the respondent and the complainant and other relevant facts to the Title IX Coordinator or other designated College officials, the College will protect the student’s confidentiality to the greatest extent possible. RAs shall provide students with information regarding on-campus resources, including victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and the local rape crisis center or other off-campus resources.

b. Sexual violence and Prevention Program - The College’s sexual violence and prevention program (SVPP) shall clearly identify the offices or individual with whom students
can speak confidentially. The SVPP shall clearly identify the offices or individuals who can provide resources such as victim advocacy, housing assistance, academic support, counseling disability services, health and mental health services, and legal assistance. The SVPP shall identify the College’s responsible employees. The SVPP shall explain that, if students report incidents to responsible employees, these employees are required to report the incident to the Title IX Coordinator or other appropriate official, including the names of the respondent and student involved in the sexual misconduct, the date, time, and location. The College’s approach to prevention, including the type and frequency of prevention programming and education/outreach activities, shall consist of:

<table>
<thead>
<tr>
<th>Program/ Activity</th>
<th>Description</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall Orientation training for Students</td>
<td>“Think About It” online program, designed by Campus Clarity for sexual assault awareness, bystander education, etc.</td>
<td>Once at the beginning of the year</td>
</tr>
<tr>
<td>Counseling Services</td>
<td>Publications regarding preventive methods of sexual misconduct, awareness month events for sexual assault, stalking, etc. Annual education updates/advertising from the sexual assault awareness task force</td>
<td>Varies depending on services; at least twice annually</td>
</tr>
<tr>
<td>Public Safety</td>
<td>Creation of sexual assault task force team</td>
<td>Annually</td>
</tr>
<tr>
<td>Greek life Training</td>
<td>Each fraternity and sorority participates in Greek Life EDU and/or some sort of education seminar pertaining to sexual misconduct/ risk management</td>
<td>Varies depending on group; at least twice annually</td>
</tr>
</tbody>
</table>

The College and multiple student organizations conduct an array of sexual assault training and education programs, many of which can be viewed on Westminster College’s website.

c. Bystander Intervention - The College shall utilize bystander intervention as a tool to prevent sexual misconduct. In implementing the bystander-focused prevention methods, the College shall implement the common components of bystander intervention and delivery methods found at: [https://www.notalone.gov/assets/bystander-summary.pdf](https://www.notalone.gov/assets/bystander-summary.pdf).

d. Campus Assessments - The College shall conduct an annual climate survey in accordance with the guidelines found at: [https://www.notalone.gov/assets/ovw-climate-survey.pdf](https://www.notalone.gov/assets/ovw-climate-survey.pdf). The Title IX Coordinator shall coordinate the collection and analysis of information from an annual climate surveys. In addition, the College shall aggregate data about sexual misconduct incidents from non-professional counselors or advocates in the College’s on-campus
sexual assault centers, women’s centers, or health centers in order to identify patterns or systemic problems related to sexual misconduct.

e. Educating Students - The College shall conduct programs to educate students about the College’s sexual misconduct policy at least two times during each calendar year. At sexual misconduct awareness events, the College shall provide information on (a) Title IX, (b) how to file a Title IX complaint with the College, (c) resources available to sexual misconduct complainants such as counseling, mental health and health services, and (d) options for reporting an incident of sexual misconduct to campus or local law enforcement. The College shall provide education programs to promote the awareness of rape, acquaintance rape, domestic violence, sexual assault, and stalking, which shall include:

1. primary prevention and awareness programs for all incoming students and new employees, which shall include -
   (a) a statement that the College prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
   (b) the definition of domestic violence, dating violence, sexual assault, and stalking in the state of Pennsylvania
   (c) the definition of consent, in reference to sexual activity, in the state of Pennsylvania;
   (d) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
   (e) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
   (f) information described in 20 U.S.C. 1092(f)(8)(B)(ii) through (vii); and

2. ongoing prevention and awareness campaigns for students and faculty, including the information described in clauses (a) through (f) of subparagraph 1. above.

10. Training

In all forms of training, the College shall establish methods for verifying that the training was effective.

a. Student Training - The College shall provide the following training for students:
   • Encouragement to report incidents of sexual misconduct.
   • How to report sexual misconduct to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance.
   • General information on Title IX.
   • What constitutes sexual misconduct under the College’s policies.
   • The College’s definition of consent as applicable to sexual conduct, including examples.
   • How the College analyzes whether unwelcome sexual conduct creates a hostile environment.
Available reporting options, including formal reporting and confidential disclosure options and any timeframes set by the College for reporting.

Places where students can seek confidential support services.

Grievance procedures used to process sexual misconduct complaints.

Disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions.

Effects of trauma, including neurobiological changes.

The role alcohol and drugs often play in sexual misconduct incidents, including the deliberate use of alcohol and/or other drugs to perpetuate sexual misconduct.

Strategies and skills for bystanders to intervene to prevent possible sexual misconduct.

Title IX’s protections against retaliation.

Persons on campus to whom students can confidentially report incidents of sexual misconduct.

An explanation that students do not need to determine whether incidents of sexual misconduct or other sexual harassment created a hostile environment before reporting the incident.

With regard to all training directed toward students, the College shall consider educational methods that are most likely to help students retain information when designing its training, including repeating the training at regular intervals.

b. Resident Advisers Training - The College shall provide the following training for Resident Advisers:

- Places where students can seek confidential support services.
- Information about local rape crisis centers or other off-campus resources so that RAs can provide this information to students.

c. Faculty and Staff Training - The College shall provide training on a regular basis, even if employees have prior relevant experience in sexual misconduct, to all employees likely to witness or receive reports of sexual harassment and violence, including faculty, College law enforcement unit employees, College administrators, College counselors, general counsels, athletic coaches, health personnel and RAs. The College shall determine how training should be conducted, who has the relevant expertise to conduct the training, and who should receive the training to ensure that the training adequately prepares employees, particularly responsible employees, to fulfill their duties under Title IX. Employees who work with international students shall be trained on the College’s sexual misconduct policies. The College requires (a) training or experience in handling sexual misconduct complaints and (b) training in the operation of the College’s grievance procedures for the Title IX Coordinator, others who receive complaints, investigators, and adjudicators. The College shall provide the following training for faculty and staff:

- Practical information about (a) how to prevent and identify sexual misconduct, including same-sex sexual misconduct, (b) the behaviors that may lead to and result in sexual misconduct; (c) the attitudes of bystanders that may allow conduct to continue; (d) the potential for revictimization by responders and its effect on students; (e) appropriate methods for responding to a student who may have experienced sexual misconduct, including the use of nonjudgmental language; (f) the impact of trauma on complainant s; and (g) the person(s) to whom such misconduct must be reported.
• Training to explain responsible employees' reporting obligation, including what should be included in a report and any consequences for the failure to report and the procedure for responding to students' requests for confidentiality, as well as provide the contact information for the College's Title IX Coordinator.
• Practical information on how and when to identify and report harassment and/or to appropriate College officials.

d. Special Training for Responsible Employees - Responsible employees are those employees defined in Section 5. Responsible employees shall be trained so that they will know how to respond properly to sexual misconduct complaints. The College shall train responsible employees to inform students of: (a) the reporting obligations of responsible employees; (b) students' option to request confidentiality and available confidential advocacy, counseling, or other support services; and (c) their right to file a Title IX complaint with the College and to report a crime to campus or local law enforcement.

e. Special Training for Title IX Coordinator and Others Involved in Grievance Procedure - The College shall require training for the Title IX Coordinator, others who receive complaints, investigators, and adjudicators to include information on: (a) working with and interviewing persons subjected to sexual misconduct, including same-sex sexual misconduct; (b) the proper standard of review for sexual misconduct complaints (preponderance of the evidence); (c) information on consent and the role drugs or alcohol can play in the ability to consent; (d) the importance of accountability for individuals found to have committed sexual misconduct; (e) the need for remedial actions for the respondent, complainant, and College community; (f) how to determine credibility; (g) how to evaluate evidence and weigh it in an impartial manner; (h) how to conduct investigations; (i) confidentiality; (j) the effects of trauma, including neurobiological change; and (k) cultural awareness training regarding how sexual misconduct may impact students differently depending on their cultural backgrounds. All staff involved in the grievance procedure must be trained so that they are capable of providing culturally competent counseling for all complainants. Counselors and other staff who are responsible for receiving and responding to complaints of sexual misconduct, including investigators and hearing board members, shall receive appropriate training about working with LGBT and gender- nonconforming students and same-sex sexual misconduct. Counselors and other staff who are responsible for receiving and responding to complaints of sexual misconduct, including investigators and hearing board members, and others counseling students who have experienced sexual misconduct shall be trained to be aware of the special issues that international students may encounter. Any College officials responsible for discussing safety and confidentiality with students shall be trained on the effects of trauma and the appropriate methods to communicate with students subjected to sexual misconduct. Any individual or body handling appeals shall be trained in the dynamics of and trauma associated with sexual misconduct.

f. Special Training for Pastoral and Professional Counselors - The College shall instruct pastoral and professional counselors to inform students:
• Of their right to file a Title IX complaint with the College and a separate complaint with campus or local law enforcement.
• That they are available to assist the student in filing such complaints.
• That Title IX includes protections against retaliation.
That College official will not only take steps to prevent retaliation but also take strong responsive action if it occurs. Pastoral and professional counselors shall be trained to ensure that they understand the extent to which they may keep a report confidential. In addition to receiving the training listed for pastoral and professional counselors, non-professional counselors or advocates shall be trained to report only general information about incidents of sexual misconduct and to avoid disclosing personally identifiable information.
TITLE IX, INFORMAL RESOLUTION, AND THE SEXUAL MISCONDUCT POLICY
HEARING PROCESS

In cases involving violations of Title IX, specifically alleged acts of sexual misconduct, in certain instances the College affords the accuser and the accused the opportunity to enter into a sanction resolution process. This process is outlined, below.

1. The College’s Title IX Coordinator will review the complaint and any results of the investigation undertaken by the College. The Title IX Coordinator will decide if the allegations establish probable cause to believe that a violation of the Sexual Misconduct Policy occurred. The Title IX Coordinator will advise both the complainant and the respondent as to the results of the probable cause determination.

2. If the Title IX Coordinator determines that there is no probable cause to believe a violation occurred, the complaint will be dismissed, and the complainant and respondent will be advised of that dismissal.

3. If the Title IX Coordinator determines that there is probable cause to believe that a violation occurred, the Title IX Coordinator will schedule a hearing and initiate the Informal Resolution Process described in the Sexual Misconduct Grievance Procedure.

4. The Title IX Coordinator will meet with the complainant and the respondent in an effort to identify appropriate steps to resolve the complaint informally without the necessity of a hearing. The Title IX Coordinator will propose remedies and/or sanctions, and if the proposal is acceptable to the complainant and respondent, the hearing will be cancelled, and the remedies and/or sanctions will be adopted and implemented. This process is intended to (a) minimize any further emotional distress that a formal disciplinary process can create, (b) expedite the College’s efforts to address the effects of any sexual misconduct, (c) eliminate the sexual misconduct, and (d) prevent the recurrence of the sexual misconduct. It also allows both parties the opportunity to be a part of the solution by permitting them to modify and agree upon, with conditions, the sanctions recommended by the College.

5. If the Informal Resolution Process does not result in a resolution of the complaint, the previously scheduled hearing will be conducted to resolve any factual disputes and to make recommended findings and conclusions as set forth in the Sexual Misconduct Policy Grievance Procedure.

6. The complainant and the respondent have the right to appeal the outcome of the hearing, and the complainant may appeal the Title IX Coordinator’s determination that there is no probable cause to believe a violation occurred. The details of those rights of appeal are found in Section 5 of the Sexual Misconduct Policy Grievance Procedure.
Exhibit A

Sexual Misconduct Grievance Procedures

For

Westminster College
(“College”)

The College has adopted a Sexual Misconduct Policy (“Policy”), all of the provisions of which are incorporated herein by reference. A copy of the policy can be viewed at: http://www.westminster.edu/campus/services/sexual-assault-information/getting-help.cfm

In accordance with Section 8 of that policy, the College adopts and publishes the following grievance procedures for the prompt, fair, impartial and equitable investigation and resolution of sexual misconduct complaints, including discrimination and sexual harassment complaints, filed against College employees, other students, and third parties. Generally, these procedures provide (a) a method by which individuals can file complaints under Title IX, (b) a description of how those complaints will be investigated, (c) an informal resolution process, (d) procedures for the hearing to adjudicate factual disputes, (e) the method for appealing the outcome of the hearing, and (f) the method by which remedies and sanctions will be imposed.

Pursuant to Title IX and the requirements established by the United States Department of Education, please be aware that:

- Persons who file complaints (“Complainants”) have the right to end the informal process described in Section 3 at any time and to begin the formal stage of the complaint process as outlined in Section 4.
- The College will take steps to prevent the recurrence of any sexual violence and remedy discriminatory effects on the Complainant and others, if appropriate.
- The employee responsible for evaluating requests for confidentiality is the Title IX Coordinator as identified in the Policy.
- Reporting policies and protocols are set forth in Section 6 of the Policy, and members of the campus community are encouraged to review those policies and protocols, including the provisions for confidential reporting.
- Title IX prohibits retaliation against the Complainant or any witness involved in the investigation or hearing.
- Complainants have the right to file simultaneously a criminal complaint with appropriate law enforcement agencies and a Title IX complaint with the College.
- Various interim measures may be taken to protect Complainants in the educational setting, including those set forth in Section 3 of the Policy.
- The evidentiary standard that must be used in resolving the complaint is a preponderance of the evidence.
- The potential remedies for Complainants are set forth in Section 3 of the Policy.
- It is the intent of this procedure to provide the Complainant with all rights given to the respondent.
- The potential sanctions or protective measures which may be imposed against the respondents include the possible reprimand, suspension or expulsion of a student respondent, the possible reprimand, suspension or termination of an employee respondent, and complainant’s options to avoid contact with the respondent and allow the
complainant to change academic and extracurricular activities or complainant's living, transportation, dining, and working situation as appropriate.

- The process may result in additional remedies for the College community, including greater emphasis on student awareness, educational and professional development courses for students, faculty and staff, and other steps designed to address the specific issues raised by the complaint.
- Sources of counseling, advocacy and support are listed in Sections 3 and 6 of the Policy.
- Information about how the College will protect the confidentiality of victims is listed in Section 6 of the Policy.
- As used in this procedure, “sexual harassment” and “hostile environment” shall have the meanings set forth in Section 5 of the Policy.
- The College will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information relating to the outcome of the proceeding.
- The College shall offer the Complainant all services needed to remedy the hostile environment on an interim basis, all as outlined in Section 3 of the Policy.
- The College shall offer the Complainant all services needed as a final remedy to the hostile environment, even if the Complainant declined the service as a part of an interim measure.
- The mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual violence.
- In the event the College is unable to conduct a full investigation, such as when the respondent is a visitor to the College’s campus, the College shall still consider remedies for both the Complainant and the broader student population.

1. **Initiation of Complaint** – Any person who believes that he or she has been the victim of sexual misconduct as defined in the College’s Policy shall file a written complaint with the College’s Title IX Coordinator as identified in the Policy. The complaint shall specify the alleged sexual misconduct, the name of the individual who engaged in the alleged misconduct and such other information as may assist the College in promptly investigating the alleged sexual misconduct.

2. **Investigation** – The Title IX Coordinator or the Coordinator’s designee shall promptly investigate the alleged sexual misconduct in accordance with the provisions of Section 7 of the Policy. Any designee shall have received training in conducting investigations of Title IX complaints. It is the goal of the College to provide for an adequate, reliable, and impartial investigation of each complaint, including the opportunity for both the Complainant and the respondent to present witnesses and evidence. Upon the conclusion of the investigation, the College shall determine whether probable cause exists to believe that the alleged sexual misconduct occurred. If the College determines that there is no probable cause to believe the alleged sexual misconduct occurred, the complaint shall be dismissed, and both the Complainant and the respondent shall be notified in writing such determination by the College. If the College determines that there is probable cause believe that the alleged sexual misconduct occurred, both the Complainant and the respondent shall be notified in writing of such determination by the College, and an adjudicative hearing shall be scheduled within fourteen (14) days to resolve all
disputed facts, if any. The College shall provide both the Complainant and the respondent of the
time and place of the hearing and the name of the hearing officer. The hearing shall be conducted
in accordance with Section 4. In the event there are no disputed facts, no hearing will be held,
and the College shall proceed to implement remedies and sanctions pursuant to Section 6.

3. **Informal Resolution Process** - Mediation is never appropriate in sexual
misconduct cases and shall not be utilized by the College. However, after a finding of probable
cause and prior to the hearing to resolve factual disputes, the College shall informally discuss
possible remedies and sanctions with the Complainant and the respondent to ascertain if a
satisfactory resolution of the matter can be reached without the necessity of an adjudicative
hearing. If so, the remedies and sanctions to which the parties agree shall be imposed. If not, the
hearing pursuant to Section 4 will proceed as scheduled.

4. **Adjudicative Hearing** – The purpose of the adjudicative hearing is to resolve any
facts disputed by the parties.

a. **The Hearing Officer** - The hearing shall be conducted by a hearing officer
designated by the College who has received annual training on the issues related
to domestic violence, dating violence, sexual assault, and stalking and on how to
conduct a hearing that protects the safety of victims and promotes accountability.
If either party wishes to object to the hearing officer on the basis of a potential
conflict of interest by the hearing officer, the party must notify the Title IX
Coordinator of the objection within seven (7) days after receipt of the notice
specifying the name of the hearing officer. The Title IX Coordinator shall evaluate
the objection and determine if a different hearing officer should conduct the
hearing.

b. **The Hearing Process** - The hearing officer shall endeavor to conduct the hearing
in a manner that does not inflict additional emotional trauma on the parties. The
hearing shall permit both the Complainant and the respondent an equal
opportunity to present relevant witnesses and evidence, including expert testimony.
The hearing officer shall determine the merit of the evidence presented and the
rules of evidence shall not be strictly enforced. Seven (7) days prior to the hearing,
both the Complainant and the respondent shall notify the hearing officer of the
witnesses and documentary evidence that the party intends to present. Both the
Complainant and the respondent may be represented by legal counsel, but if either
of the parties chooses not to be represented by counsel, the other party may still
be represented by counsel. The hearing officer shall impose equal restrictions on
the ability of legal counsel to speak or otherwise participate in the hearing. Only
the Title IX Coordinator, the Complainant and the respondent, the parties’ legal
counsel and the parties’ parents (if invited by the parties) may attend the hearing,
but parents may not participate in the hearing unless they are called as witnesses
to address factual disputes. The hearing may proceed if either of the parties fails
to attend. The Title IX Coordinator shall present the results of the investigation.
The Complainant may then present evidence, and the respondent may present
evidence following the Complainant.
Each witness may be cross-examined by opposing counsel or the parties if they are not represented by counsel, but the parties may not cross-examine each other. In the event a party is not represented by counsel and wishes to question the opposing party, the party may submit written questions for the opposing party to the hearing officer who may ask the questions to the opposing party, if the hearing officer deems such questions relevant to the issues being adjudicated. If the hearing officer refuses to ask any question submitted by a party, the hearing officer shall confer with the party in an effort to re-phrase or modify the question so as to maximize the likelihood that all questions will be posed to the witness without creating emotional trauma for the witness. Questions pertaining to the Complainant’s sexual history with anyone other than the respondent shall be prohibited. An audio recording of the hearing shall be made and retained by the College.

c. The Proposed Findings of Fact and Conclusions of Responsibility and Recommended Remedies and Sanctions – Within five (5) days following the completion of the hearing, the hearing officer shall prepare proposed findings of fact and conclusions of responsibility and recommended remedies and sanctions (“Findings”). The hearing officer shall make a finding of fact as to whether a hostile environment exists at the College in light of the Findings, and if so, the hearing officer shall make recommendations as to how the hostile environment can be eliminated. The Findings shall be submitted in writing to a panel (“Panel”) comprised of the Vice President for Enrollment Management (“VPEM”), the Vice President for Academic Affairs (“VPAA”), and the Vice President for Finance and Management Services (“VPFMS”) for consideration and a determination on behalf of the College (“Ruling”). The Panel may adopt the Findings in whole or in part and shall make a determination as to what, if any, remedies and sanctions should be imposed. The Panel may also remand the matter to the hearing officer for further findings and conclusions, if necessary. The Panel shall make the Ruling within five (5) days following the receipt of the Findings. The members of the Panel shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and on how to conduct a hearing that protects the safety of victims and promotes accountability. In determining sanctions against the respondent, both the hearing officer and the Panel shall assess whether imposing sanctions against the respondent, without additional remedies, will be sufficient to eliminate the hostile environment, prevent recurrence, and remedy effects as required by Title IX.

d. Notice to the Parties – Within five (5) days following the receipt of the Findings, the Panel shall simultaneously send written notice via email to the parties of the College’s Ruling and of their right of appeal under Paragraph 5 below. Specifically, the Panel shall notify both parties as to whether or not the College found that the alleged conduct occurred, any sanction imposed on the respondent that directly relate to the Complainant, and other steps the College has taken to eliminate the hostile environment, if the College finds one to exist, and prevent recurrence of the misconduct. The Panel shall also notify the Complainant of any
individual remedies offered or provided to the Complainant, but, the Panel shall not notify the respondent of the individual remedies offered or provided to the Complainant.

5. **Appeals**

a. **Appeals of the Ruling** - Either party may appeal the Ruling by submitting a written statement of appeal to the College’s President. The appeal must be received by the President within seven (7) days following the date on which the parties received notice of the Ruling. The President shall have seven (7) days to grant or deny the appeal. Regardless of which party files the appeal, the President may reverse the Ruling only if the President finds that the Ruling was arbitrary or capricious or if the Ruling was not supported by substantial evidence. If the appeal is granted, the President shall make such instructions to the Panel as may be appropriate. The President’s decision on the appeal shall constitute the final action by the College, and the College shall simultaneously send written notice of the President’s decision via email to the parties.

b. **Appeals of the Probable Cause Determination** – If the Title IX Coordinator determines that there is no probable cause to believe that the alleged sexual misconduct occurred, the complainant may appeal the probable cause determination by submitting a written statement of appeal to the Title IX Coordinator. The appeal must be received by the Title IX Coordinator within seven (7) days following the date on which the parties received notice of the probable cause determination. The Title IX Coordinator shall advise the President of the appeal, and the President shall designate an Appeals Board of three vice presidents to consider the appeal. The Appeals Board shall be designated within fourteen (14) days of the receipt of the statement of appeal by the Title IX Coordinator, and the Appeals Board shall have seven (7) days to grant or deny the appeal. The Appeals Board may reverse the probable cause determination only if the Appeals Board finds that the probable cause determination was arbitrary or capricious or if the probable cause determination was not supported by substantial evidence. If the appeal is granted, the Appeals Board shall make such instructions to the Title IX Coordinator as may be appropriate. The Appeals Board’s decision on the appeal shall constitute the final action by the College, and the College shall simultaneously send written notice of the Appeals Board’s decision via email to the parties.

c. **Notices in the Absence of an Appeal** - If neither party appeals the probable cause determination or the Ruling within the times specified above, the College shall simultaneously send written notice of the expiration of the time for an appeal via email to the parties.

d. **Final Decision** - Upon (i) the expiration of the time for an appeal of the probable cause determination the Ruling, (ii) the President’s decision on a timely appeal of the Ruling, or (iii) the Appeals Board’s decision on a timely appeal of a probable cause determination, the College’s decision shall be deemed final, unless the President or the Appeals Board remands a matter to the Panel or the Title IX Coordinator for further proceedings.
6. **Imposition of Remedies and Sanctions** – After the College’s decision is final, the Panel shall take the steps necessary to implement the remedies and sanctions. In the event interim measures should be taken to protect the Complainant at any point prior to the College’s final determination, the Title IX Coordinator may implement such measures in accordance with Section 3 of the Policy.