



Gwynedd Mercy  
University

## ***University Policy***

**Title:** Sexual Misconduct Policy  
**Final Approval By:** Board of Trustees  
**Approval Date:** October 3, 2014  
**Applies to:** Administration, Faculty, Staff, Students  
**Location:** Volume II

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### **SECTION I – INTRODUCTION**

#### **A. Notice of Non-Discrimination**

As a recipient of Federal funds, Gwynedd Mercy University is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* (“Title IX”), which prohibits discrimination on the basis of sex in educational programs or activities, admission and employment. Under certain circumstances, Sexual Misconduct (as defined below) constitutes sexual discrimination prohibited by Title IX. In addition, the University complies with Section 304 of the Violence Against Women Reauthorization Act of 2013 (“VAWA”).

Inquiries concerning the application of Title IX and VAWA may be referred to the University’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights. Gwynedd Mercy’s Title IX Coordinator is Robert Wood and he may be contacted by phone at Ext. 21140 or by e-mail at [wood.r@gmercyu.edu](mailto:wood.r@gmercyu.edu). He may also be visited in person at his office, which is located at Connelly Faculty Center, Room #114. See Section IV for additional information.

#### **B. Overview of Policy**

Consistent with its mission and the core values that lie at the heart of higher education in the Mercy tradition, Gwynedd Mercy University is committed to providing its students, faculty, administrators, and staff with an educational, residential and employment environment free from sex discrimination, which includes all incidents of Sexual Misconduct as defined within this policy. Accordingly, Sexual Misconduct between members of the University community is strictly prohibited at Gwynedd Mercy University and will not be tolerated.

In furtherance of its commitment to providing programs, activities and an educational, residential, and employment environment free from sex discrimination, the University fosters an environment that promotes prompt reporting of all types of Sexual Misconduct as defined within this policy and the timely and fair resolution of Sexual Misconduct

reports. This policy therefore sets forth available resources, identifies and defines prohibited conduct, and establishes procedures for investigating and responding to reports of Sexual Misconduct. Moreover, the University will make this policy and information about recognizing and preventing Sexual Misconduct readily available to all students, employees and other members of the University community.

### **C. Statement of Policy**

Sexual Misconduct, which includes incidents of Sexual Harassment, Hostile Environment caused by Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Sexual Exploitation, and Stalking as defined in Section V below, in the University's educational, residential and employment environment is unacceptable, subverts the mission of the institution and threatens the careers, educational experience, and well-being of Gwynedd Mercy University students, faculty, and staff. It undermines authority and collegial relationships and generates suspicion, conflict, and ill feelings. Accordingly, no member of the University community or its contractors, consultants, or vendors doing business or providing services to the University shall engage in any form of Sexual Misconduct as defined within this policy. Any person who feels that he or she has been the victim of Sexual Misconduct is encouraged make a report to the University via the reporting procedures set forth in Section VI of the policy.

**Retaliation:** Retaliation against any person for filing, supporting or providing information in connection with a report of Sexual Misconduct is strictly prohibited. Violations of this prohibition will be addressed through this policy. Any person who feels that he or she has been subjected to Retaliation should make a report to the University via the reporting procedures set forth in Section VI of the policy.

**Intimidation:** Intimidating any person for filing, supporting or providing information in connection with a complaint of Sexual Misconduct is strictly prohibited. Violations of this prohibition will be addressed through this policy and/or other University disciplinary procedures, as deemed appropriate in the University's discretion. Any person who feels that he or she has been subjected to Intimidation should make a report to the University via the reporting procedures set forth in Section VI of the policy.

**Bystander Intervention:** The University expects all community members to take reasonable and prudent actions to prevent or stop an act of Sexual Misconduct. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

*Note:* The use of alcohol and/or drugs is not an excuse for violation of this policy and will not constitute a valid defense.

## **SECTION II – SCOPE OF POLICY**

### **A. Scope and Jurisdiction**

This policy applies to all University students, faculty, staff and other members of the Gwynedd Mercy University community, as well as to contractors, consultants, and vendors doing business or providing services to the University ("3rd Parties"), regardless of their sexual orientation or gender identity.

The University's prohibition against Sexual Misconduct applies not only in the educational and working environment, but also to all other work-related and educational life settings, such as business trips and business-related social functions, as well as educational field trips, athletic trips, and internship placements. Further, the prohibition applies whether or not the incident(s) occurs on one of the University campuses and whether or not the incident(s) occur during working/educational hours. This means that students, staff, faculty and third parties are protected under this policy in connection with all the University's programs. Moreover, the University will respond to reports of Sexual Misconduct that arise from events that initially occurred off University property or outside a University program or activity if both parties are members of the University community. In responding to off campus events, the University will consider the effects of the off-campus conduct on an individual's working or educational experience, including the impact on the individual's ability to participate in University activities or programs. Finally, the University's prohibition against Sexual Misconduct applies not only to oral and written communications, but also to e-mail, voice mail, Internet communications and searches, and other technology-assisted communications.

## **B. Confidentiality**

The University encourages victims and witnesses of an incident of Sexual Misconduct, Retaliation or Intimidation to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately.

Different University employees have different abilities to maintain a victim'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 victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim's wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called “Responsible Employees”) constitutes a formal report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make members of the University community aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of Sexual Misconduct. The University encourages victims to talk to someone identified in one or more of these groups. For detailed information regarding the various options for reporting an incident of Sexual Misconduct, including how one can maintain near complete confidentiality, please see Section VI – Reporting and Confidentially Disclosing Sexual Misconduct.

### **C. Individuals with Disabilities and International Students**

This policy shall be accessible to students and employees with disabilities. The University will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations as needed to participate in the steps and procedures outlined in this policy.

Requests for accommodations by students must be made to the Disability Support Services (DSS) Office. All other members of the campus community should contact the Human Resources Office. The DSS or Human Resource Office as applicable will review the supporting disability-related documentation, make a decision about the request, notify the individual about approved accommodations and make arrangements for the accommodations. Accommodations may include, but are not limited to, providing interpreters for the deaf, providing recordings of materials for the blind, and assuring a barrier-free location for any proceedings.

In addition, 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.

### **SECTION III – OPTIONS FOR ASSISTANCE FOLLOWING A SEXUAL MISCONDUCT INCIDENT**

The University recognizes that deciding how to respond to an incident of Sexual Misconduct can be difficult and encourages all individuals to seek the immediate support of and use all available resources on- and off-campus, regardless of when or where the incident occurred. Confidential and non-confidential care and support resources, which are listed in Section X, are available both on and off campus on an immediate and ongoing basis. See also Section VI – Reporting and Confidentially Disclosing Sexual Misconduct, which discusses reporting options in greater detail.

#### **A. Immediate Assistance Resources**

It is the University's goal to empower individuals who believe they have experienced an incident of Sexual Misconduct to make the decisions that are best for them. Various campus and community advocates, counselors and emergency first responders are available to offer assistance in this regard. Moreover, seeking assistance and advice from promptly from one of these resources may also be important to ensure one's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively. Assistance is available 24 hours a day, 7 days a week. The Resource tables in Section X provide contact information for the various campus and community advocates, counselors and emergency first responders available to provide assistance.

**Get to a Safe Place:** First and foremost, an individual who is the victim of Sexual Misconduct is urged to get to a safe place away from the perpetrator or from any other potential danger as soon as possible. Individuals that are not in a safe place should contact Public Safety and Security at 215-641-5522 or ext. 21522 or 215-646-7300, ext. 21300 or Local Law Enforcement at 911 immediately.

**Contact a Confidential Advocate, Counselor, Clergy Member or Healthcare Provider:** Individuals who believe that they or someone they know has been a victim of Sexual Misconduct may seek medical, counseling, support and reporting information from any of the University or off campus confidential resources listed in Section X. Discussing a matter with these offices or individuals is not considered a report to the University or a request that any action be taken by the University in response to a Sexual Misconduct allegation unless specifically requested by the victim. Conversations with them are confidential, except as described in Section X.

The confidential advocates, counselors, clergy, and healthcare\* members listed in Section X can provide individuals with immediate and long-term help. They will listen and help access additional assistance, and explain options for obtaining additional support from the University and others. They can also arrange for medical care and accompany students, or arrange for someone to accompany individuals, to seek such care. In addition, they can provide assistance in filing a complaint with local law enforcement. These resources may be used regardless of whether the victim wants to file an official report or participate in University disciplinary proceedings or the criminal process. These advocates, counselors and clergy members are familiar with the University's disciplinary process, can explain what to expect, and provide support while disciplinary or criminal processes are pending.

\*Note: While the health care providers at the Health and Wellness Center are obligated to maintain confidentiality and not report the victim's identity to the University, under Pennsylvania law, a medical provider may be required to notify law enforcement of a reported sexual assault under most circumstances. Although the medical providers at the Health and Wellness Center will provide information to law enforcement, the victim may decline to speak with a law enforcement officer or participate in a criminal prosecution.

**Contact the Title IX Coordinator or Other Non-Confidential University Resources:** In addition to confidential resources, any individual who has experienced or witnessed an incident of Sexual Misconduct has the option and is encouraged to contact any of the non-confidential University resources listed in Section X for immediate assistance. These individuals can provide assistance with contacting on and off-campus resources, including local law enforcement and health care providers, as well as help obtain transportation to either or both. These resources can also provide guidance with respect to the preservation of evidence. Please note, however, that the non-confidential University resources listed in Section X are considered "Responsible Employees" and contacting them obligates the University to investigate the incident and take appropriate steps to address the situation.

**Contact Local Law Enforcement:** Any member of the University community who has experienced or witnessed an incident of Sexual Misconduct involving potential criminal conduct has the option to report the conduct to the law enforcement agency that has jurisdiction over the location where the incident occurred. A listing of local law enforcement agencies for each of the University's campuses is set forth in Section X below. If the conduct is reported to the University, the individual will be informed of his or her option to also report any potential criminal activity to law enforcement. Any of the University resources listed in Section X can provide assistance in filing a complaint with local law enforcement.

**Seek Medical Attention:** Whether a member of the University community who has experienced an incident of Sexual Misconduct elects to report the incident or not, it is important that medical attention be sought as soon as possible. This will allow the individual to get care for any injuries that may have resulted from the assault, receive medications in order to prevent sexually transmitted infections, and to properly collect and preserve evidence, if the patient consents to do so. A medical examination within 72 hours is critical in preserving evidence of sexual assault and proving a criminal or civil case against a perpetrator.

A listing of local hospitals that have rape kits and/or Sexual Assault Nurse Examiners (SANE), which will assist law enforcement should criminal charges ultimately be pursued by the victim, are set forth in Section X.

Please note that under Pennsylvania law, a medical provider may be required to notify law enforcement of a reported sexual assault under most circumstances. Although the medical provider will provide information to law enforcement, the victim may decline to speak with a law enforcement officer or participate in a criminal prosecution.

**Preserving Evidence:** For evidence collection purposes, it is important that, if possible, you do not shower, bathe, wash, comb your hair or use the toilet. Do not smoke or brush teeth. Do not eat or drink. Do not wash clothes, sheets, blankets or other items. Place anything of evidentiary value in a paper bag. Collecting evidence does not obligate an individual to any particular course of action but can assist law enforcement should criminal charges ultimately be pursued.

**Getting to the Hospital:** If a victim of Sexual Misconduct has injuries, it is imperative that Public Safety and Security be called at 215-641-5522 or ext. 21522 or 215-646-7300, ext. 21300 or that Emergency Medical Services be contacted at 911 to request emergency transport.

If there are no pressing medical needs, individuals may make their own arrangements for travel to the hospital or contact any of the University or off campus resources listed in Section X for assistance in seeking medical attention off campus.

### **Sexual Assault Response Team (SART) Process and Resources**

SART, also known as the Medical Exam for Evidence Collection, stands for Sexual Assault Response Team and is the term used to describe an evidentiary medical exam. If a victim decides to contact local law enforcement and that agency makes a decision to order a SART, the exam does two things: provides sensitive and thorough medical care and collects evidence that may be helpful to the prosecution of the victim's case.

#### **How is a SART Ordered?**

Whenever a medical professional in Pennsylvania treats an injury or illness caused by sexual assault, they are required to notify law enforcement. Once law enforcement is notified, the victim has the option of continuing involvement with them and undergoing an evidentiary medical exam, known as a SART. A SART examination is extremely helpful in an investigation, but it is not required for a police investigation to occur.

The victim can also directly tell a medical professional that he or she would like to have a SART exam performed, though the decision to order a SART belongs only to the law enforcement agency with jurisdiction where the assault occurred.

When SART exams are ordered, they are provided free of charge.

## **B. Ongoing Assistance**

### **1. Counseling, Advocacy and Support**

The counseling and support resources listed in Section X are available for victims of Sexual Misconduct, whether or not the victim chooses to make an official report or participate in a University disciplinary or criminal process.

### **2. Academic Accommodations and Interim Measures**

As discussed in detail in Section VII, upon learning of an incident of Sexual Misconduct involving a member of the University community, the Title IX Coordinator will take immediate steps and interim measures to ensure the safety and well-being of the victim, such as the ability to move dorms, change work schedules, alter academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). Additional interim measures that may be implemented while an investigation is pending may include the issuance of no contact orders and changing the alleged perpetrator's living arrangements or course schedule. See Section VII.B for additional information.

## **SECTION IV – TITLE IX & THE TITLE IX COORDINATOR**

### **A. Title IX**

The University's Sexual Misconduct Policy addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"), which is a federal law that prohibits sexual discrimination in federally funded education programs and activities. Title IX states in part:

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."*

Discrimination on the basis of sex (i.e., sex discrimination) includes sexual harassment, hostile environment caused by sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, stalking, retaliation, and intimidation. Title IX prohibits sex discrimination in both the educational and employment settings.

### **B. Title IX Coordinator and Title IX Deputy Coordinator**

Any inquiries regarding the University's Sexual Misconduct Policy or Title IX should be directed to the Title IX Coordinator or Title IX Deputy Coordinator as identified below:

## **Title IX Coordinator**

Robert Wood

Connelly Faculty Center, Room #114

Ext. 21140

wood.r@gmercyu.edu

The Title IX Coordinator is a neutral administrator in any Sexual Misconduct investigatory and disciplinary proceedings, including any allegations pertaining to incidents of Retaliation and Intimidation. The Title IX Coordinator is responsible for coordinating the University's Sexual Misconduct investigations and proceedings and working with all involved parties (see Sections VI and VII). The Title IX Coordinator does not, however, determine if a Sexual Misconduct policy violation has occurred.

In addition to the above, the Title IX Coordinator serves as the overall campus coordinator for purposes of Title IX compliance and identifies and addresses any patterns or systemic problems that arise during the review of Sexual Misconduct and/or Retaliation or Intimidation complaints; oversees the University's Sexual Misconduct education and training programs and coordinates periodic reviews of the University's climate and culture with regard to Sexual Misconduct; determines appropriate interim measures for a complainant upon learning of a report or complaint of Sexual Misconduct; and ensuring that appropriate policies and procedures are in place for working with local law enforcement and coordinating services with local victim advocacy organizations and service providers, including rape crisis centers. The Title IX Coordinator is also available to meet with students or employees as needed.

## **Title IX Deputy Coordinator**

TBD

## **C. Coordination with Non-Discrimination Policy**

The University recognizes that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, disability, veteran's status or other legally protected characteristic. Targeting individuals on the basis of these characteristics is also a violation of University Policy. Under these circumstances, the University will coordinate the investigation and resolution efforts to address harassment related to the targeted individual's sex or gender identity together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability.

## SECTION V – DEFINITIONS

### A. Policy Definitions

**SEXUAL MISCONDUCT**, for purposes of this policy, is defined to include the following:

**Sexual Harassment:** For purposes of this policy, Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, other verbal, visual or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence or other offensive behavior directed toward an individual because of or on account of the individual's gender, whether by a person of the opposite or same gender, when either:

1. Submission to, rejection, or toleration of such conduct is made explicitly or implicitly a term or condition of an individual's employment, education, living environment, or participation in a Gwynedd Mercy University program or activity; or
2. Submission to, rejection, or toleration of such conduct is used as a basis for or a factor in decisions affecting that individual's employment, education, living environment or participation in a Gwynedd Mercy University program or activity; or
3. Such conduct creates a Hostile Environment (see Hostile Environment Harassment).

**Hostile Environment Harassment:** For purposes of the Policy, Hostile Environment Harassment is defined as the unlawful harassment against an individual on the basis of his or her gender identification when the conduct is either:

- Sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit the individual's ability to participate in or benefit from the University's programs or activities; or
- The conduct has the purpose or effect of unreasonably interfering with an individual's employment or education.

The determination of whether an environment is "hostile" must be based on all of the circumstances, giving consideration to whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students' education or individual's employment;
- The nature, scope, frequency, duration, severity, and location of incident or incidents; and
- The identity, number, and relationships of persons involved.

**Examples of Sexual Harassment or Gender-Based Hostile Environment Harassment:** Sexual Harassment or Hostile Environment Harassment based on one's gender, sexual orientation, gender identity, or gender expression may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender

or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature. For example, Sexual Harassment or Hostile Environment Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting.
- May be a direct proposition of a sexual nature.
- May be a one-time event or part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment.

**Sexual Assault:** Sexual Assault is defined by this policy to include:

*Non-Consensual Sexual Contact:* Any intentional sexual touching, however slight and with any object or body part, that is without consent (as defined in this policy) and/or by threat, intimidation, coercion, duress, violence, or by causing a reasonable fear of harm. This includes intentional contact with breasts, buttocks, groin, mouth, or genitals, as well as any other intentional bodily contact that occurs in a sexual manner.

*Non-Consensual Sexual Intercourse:* Any sexual penetration or copulation, however slight and with any object or body part that is without consent and/or by force or coercion. Intercourse includes anal or vaginal penetration by a penis, object, tongue, or finger, and oral copulation (mouth and genital/anal contact), no matter how slight the penetration or contact.

**Dating Violence:** “Dating Violence” means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

**Domestic Violence:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Stalking:** The term “stalking” means engaging in a course of conduct (e.g., repeatedly following, harassing, threatening or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method) directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Extortion of money or valuables;
- Unwelcome/unsolicited written communication, including letters, cards, e-mails, instant messages, and messages on on-line bulletin boards;
- Unwelcome/unsolicited communications about a person, their family, friends, or co-workers;
- Sending/posting unwelcome and/or unsolicited messages with another username;
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

**Sexual Exploitation:** Sexual exploitation is an act or omission to act that involves a member of the Gwynedd Mercy University community taking non-consensual, unjust, humiliating, or abusive sexual advantage of another, either for the individual’s own advantage or to benefit anyone other than the one being exploited. Examples of sexual exploitation include but are not limited to the following:

1. Creating pictures, movies, web cam, tape recording, graphic written narrative or other means of memorializing sexual behavior or a state of undress of another person without the other’s knowledge and consent;
2. Sharing items described in paragraph (1) above, beyond the boundaries of consent where consent was given. For example, showing a picture to friends where consent to view it was given for oneself only;

3. Observing or facilitating observation by others of sexual behavior or a state of undress of another person without the knowledge and consent of that person;
4. “Peeping Tom”/Voyeuristic behaviors;
5. Engaging in sexual behavior with knowledge of an illness or disease (HIV or STD) that could be transmitted by the behavior;
6. Engaging in or attempting to engage others in “escort services” or “dating services” which include or encourage in any way sexual behavior in exchange for money;
7. Surreptitiously providing drugs or alcohol to a person for the purpose of sexual exploitation; and
8. Causing another person to be exposed to pornographic material without the person’s advance knowledge or consent.

**Physical Harm and Intimidation:** Threatening, or causing physical harm, written or verbal abuse or other conduct that threatens or endangers the health or safety of any person; or implied threats or acts that cause an unreasonable fear of harm in another. When these acts occur in the context of dating or domestic violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the Sexual Misconduct Policy.

**Harassment, Bullying or Cyberbullying:** Harassment, bullying or cyberbullying, are defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally that includes, but is not limited to: creating web pages with a negative focus; posting insults or lewd photos on social networking sites; and/or spreading rumors with malicious intent. When these acts occur in the context of dating or domestic violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the Sexual Misconduct Policy.

**Retaliation:** Retaliation is defined as taking adverse action against an individual making a complaint under this policy or against any person cooperating in the investigation of a complaint under this policy. Retaliation includes intimidation, threats, harassment, and other adverse action including adverse job action and adverse academic action against any such complainant or third party.

**Intimidation:** Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another.

## **OTHER DEFINITIONS**

**Consent:** Consent is defined as voluntary permission to engage in sexual activity. It may be given by words or actions, so long as those words or actions create clear, mutually understood permission to engage in (and the conditions of) sexual activity. Consent, which can be withdrawn at any time, must meet all of the following standards:

1. Active, not passive: Silence, in and of itself, cannot be interpreted as consent. There is no requirement that an individual resist a sexual act or advance, but resistance is a clear demonstration of non-consent. A person cannot give consent under force,

threats, or unreasonable pressure (coercion). Coercion includes continued pressure after an individual has made it clear that he/she does not want to engage in the behavior.

2. Provided knowingly. Legally valid consent to sexual activity cannot be given by a person under the legal age to consent; or an individual who is known to be (or based on the circumstances should reasonably be known to be) mentally or physically incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because he or she lacks the capacity to understand the “who, what, when, where, why, or how” of a sexual interaction. This includes a person whose incapacity results from mental disability, sleep, involuntary physical restraint, unconsciousness, use of alcohol or other drugs.
3. Specific. Permission to engage in one form of sexual activity does not imply permission for another activity. In addition, previous relationships or prior consent do not imply consent to future sexual acts. It is the responsibility of the initiator of the act to receive permission for the specific act. As a result, consent may be requested and given several times by multiple parties during a sexual encounter involving multiple acts. Moreover, consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

#### **Additional Guidance about Consent:**

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive. Under this policy, “no” always means “no” and “yes” may not always mean “yes.”
- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify, verbally, the other’s willingness to continue before continuing such activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even

in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact.
- Individuals who consent to sexual activity must be able to fully understand what they are doing. An individual who is physically or mentally incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. See Incapacitation for further discussion.
- Under Pennsylvania law, consent can never be given by minors under the age of 13. Statutory provisions also prohibit sexual activity with minors under the age of 16 where there is 4 or more years difference in age between the parties.

**Force:** Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent. Under Pennsylvania law, force may also be moral, intellectual, emotional or psychological.

**Coercion:** Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. Coercion may be emotional, intellectual, psychological or moral. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to disclose another individuals' private sexual information related to sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

**Incapacitation:** An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments;
- Capacity to appreciate the nature and the quality of the act; or
- Level of consciousness.

In other words, a person may be considered unable to give valid consent due to incapacitation if the person cannot appreciate the who, what, where, when, why, or how of a sexual interaction.

Evaluating incapacitation also requires an assessment of whether the alleged perpetrator should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position. An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this policy. The perspective of a reasonable person will be the basis for determining whether a respondent should have been aware of the extent and amount of the ingestion of alcohol or drugs by the complainant or of the extent to which the use of alcohol or drugs impacted a complainant's ability to give consent. For example, an individual who is in a blackout may appear to act normally and be giving consent, but may not actually have conscious awareness, the ability to consent or later recall of the events in question. In determining whether consent has been given, the University will consider both: the extent to which a complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity; and, whether the respondent was aware – or reasonably should have known – of the complainant's level of alcohol or drug consumption and/or level of impairment.

**Responsible Employee:** A “Responsible Employee” is a University employee who has the authority to redress Sexual Misconduct, who has the duty to report incidents of Sexual Misconduct or other student misconduct, or who a student could reasonably believe has this authority or duty.

**Student:** A “Student of the University” is any student who is registered at the University or enrolled at the University (a) at the time of the alleged Sexual Misconduct and (b) at the time a report of Sexual Misconduct is filed; and is either: registered to be enrolled or is currently enrolled at the University on a full-time basis, or registered to be enrolled or is currently enrolled at the University on less than a full-time basis and is not an employee of the University. Solely for purposes of this definition, the term “employee of the University” does not include students who are employed by the University through a work-study or similar program.

**Third Party:** A “Third Party” is any contractor, consultant, or vendor doing business or providing services to the University

## **B. Pennsylvania Definitions of Violence Against Women Act Crimes**

**Rape (Section 3121):** A person commits a felony of the first degree when the individual engages in sexual intercourse with a complainant:

1. By forcible compulsion;
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
3. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
4. Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
5. Who suffers from a mental disability which renders the complainant incapable of consent;
6. Who is less than 13 years of age.

**Statutory Sexual Assault (Section 3122.1):** Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is four or more years older than the complainant and the complainant and the person are not married to each other.

**Involuntary Deviate Sexual Intercourse (Section 3123):** A person commits a felony of the first degree when that person engages in deviate sexual intercourse with a complainant:

1. By forcible compulsion;
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
3. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
4. Where the person has substantially impaired the complainant’s power to appraise or control the complainant’s conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
5. Who suffers from a mental disability which renders him or her incapable of consent;
6. Who is less than 13 years of age;

7. Who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

As used in this section, the term “forcible compulsion” includes, but is not limited to: compulsion resulting in another person’s death, whether the death occurred before, during or after the sexual intercourse.

**Sexual Assault (Section 3124.1):** Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant’s consent.

**Aggravated Indecent Assault (Section 3125):** Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person’s body for any purpose other than of good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault, a felony of the second degree, if:

1. The person does so without the complainant’s consent;
2. The person does so by forcible compulsion;
3. The person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
4. The complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;
5. The person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
6. The complainant suffers from a mental disability which renders the complainant incapable of consent;
7. The complainant is less than 13 years of age; or
8. The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

**Indecent Assault (Section 3126):** A person who has indecent contact with the complainant or causes the complainant to have indecent contact with the person is guilty of indecent assault if:

1. The person does so without the complainant’s consent;
2. The person does so by forcible compulsion;
3. The person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;

4. The complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
5. The person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
6. The complainant suffers from a mental disability which renders the complainant incapable of consent;
7. The complainant is less than 13 years of age; or
8. The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

Indecent assault under subsection (7) is a misdemeanor of the first degree. Otherwise, indecent assault is a misdemeanor of the second degree.

**Indecent Exposure (Section 3127):** A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which the person knows or should know that this conduct is likely to offend, affront or alarm; If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure is a misdemeanor of the first degree. Otherwise, indecent exposure is a misdemeanor of the second degree.

**Domestic and Dating Violence:** Pennsylvania law does not contain separate criminal statutes devoted to domestic or dating violence. In Pennsylvania, a victim of domestic or dating violence may apply to the courts for an order of protection. Orders of protection contain provisions designed to prevent further acts of abuse.

**Stalking:** Pursuant to the Commonwealth of Pennsylvania's Stalking Law, 18 Pa.C.S. § 2709.1, a person commits the crime of stalking when the person either: (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

**Consent:** Under Pennsylvania case law, "Consent is an act of free will. It is not the absence of resistance in the face of actual or threatened force inducing a woman to submit to a carnal act; active opposition is not a prerequisite to finding a lack of consent." Commonwealth v. Rough, 418 A.2d 605 (Pa. Super. 1980).

The Pennsylvania "Consent as a Defense" Suggested Standard Jury Instruction states that "Consent is present if the victim at the time of the alleged crime is willing to engage in these activities and makes her willingness known to the defendant by words or behavior."

## **SECTION VI: REPORTING AND CONFIDENTIALLY DISCLOSING SEXUAL MISCONDUCT**

The University encourages all individuals to report alleged incidents of Sexual Misconduct, Retaliation or Intimidation to the University and to report any potential criminal conduct to law enforcement as outlined below. Both the on and off-campus reporting options set forth below may be pursued simultaneously.

All non-privileged reports to the University will be investigated and resolved in a fair and impartial manner. Upon receipt of a report, the matter will be referred to the Title IX Coordinator, who will review the facts and make an immediate assessment of any risk of harm to the complainant or to the broader University community and will take steps necessary to address those risks. If warranted, these steps will include interim measures and academic accommodations to provide for the safety of the complainant and the University community. See Section VII.B for additional information.

### **A. Reporting to the University: The Options**

Victims or witnesses of Sexual Misconduct or associated incidents of Retaliation or Intimidation are encouraged to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately.

The various reporting and confidential disclosure options available to members of the Gwynedd Mercy University community are set forth below:

#### **1. Privileged and Confidential Communications to the University**

##### **a. Professional and Pastoral Counselors:**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the University community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without the victim's permission. The offices and individuals that provide confidential mental-health counseling to members of the University community are set forth in Section X.

##### **b. Reporting to Non-professional Counselors and Advocates**

Non-professional individuals who work or volunteer in the on-campus Health and Wellness Center, including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the University. A victim can seek assistance and support from these individuals without triggering a University investigation that could reveal the victim's identity or that the victim has disclosed the incident.

While maintaining a victim's confidentiality, these individuals or their office are required report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these

individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

**Note:** While these professional and non-professional counselors and advocates may maintain a victim's confidentiality vis-à-vis the University, they may have reporting or other obligations under state law (e.g., abuse of a minor, etc.). Moreover, health care providers are required under Pennsylvania law to report sexual assaults to local law enforcement. Finally, if the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community, the President or the Director of Public Safety and Security will issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

## **2. Formal Reporting to the University**

Individuals who believe that they have been the subject of or have witnessed an incident of Sexual Misconduct, Retaliation or Intimidation are encouraged to report the conduct to the University so that it can take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions), and, if it is determined that Sexual Misconduct has occurred, take appropriate steps to address the situation. When individual makes a formal report, he or she has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. Moreover, the University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to implement interim measures. Retaliation against the victim, whether by students, University employees or third parties, will not be tolerated.

There are four ways to formally report an incident of Sexual Misconduct to the University:

### **a. Reporting to the Title IX Coordinator or Title IX Deputy Coordinator**

A formal report may be made to the Title IX Coordinator or Title Deputy Coordinator regardless if the complainant or witness is a student, faculty member, staff member, or third party.

The Title IX Coordinator and Title IX Deputy Coordinator may be contacted in any of the following manners:

- File a complaint or report on the Sexual Misconduct Reporting Form, which is available on the Gwynedd Mercy website at -----;
- Leave a private voice message for the Title IX Coordinator or Title IX Deputy Coordinator;
- Send an e-mail to the Title IX Coordinator or Title IX Deputy Coordinator;
- Mail a letter to the Title IX Coordinator or Title IX Deputy Coordinator; or
- Visit in person the Title IX Coordinator or Title IX Deputy Coordinator.

**b. Reporting to Public Safety and Security**

A formal report of Sexual Misconduct, Retaliation or Intimidation may also be made to the Public Safety and Security department regardless if the complainant or witness is a student, faculty member, staff member, or third party. The Public Safety and Security office is located in St. Brigid Hall. Emergency telephone numbers to report an incident of Sexual Misconduct or other emergencies occurring on campus are: ext. 111, (215) 641-5522, ext. 21522, (215) 646-7300, ext. 21300, ext. 0. Public Safety and Security personnel can be accessed through the switchboard (215) 646-7300, ext. 0, 24 hours a day.

Public Safety and Security personnel will report to the Title IX Coordinator within three days all relevant details about the alleged Sexual Misconduct that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

**c. Reporting to a “Responsible Employee”**

In addition to filing a formal report with the Title IX Coordinator, Title IX Deputy Coordinator, or with the Public Safety and Security Department, any member of the University community has the option to formally report an incident of Sexual Misconduct, Retaliation or Intimidation to a “Responsible Employee” of the University. A “Responsible Employee” is a University employee who either has the authority to redress Sexual Misconduct, has the duty to report incidents of Sexual Misconduct or other student misconduct, or is an individual who a student could reasonably believe has this authority or duty.

The following positions have been designated by the University to be “Responsible Employees”:[ The President; the Vice Presidents and Deans of the Schools; the Title IX Coordinator and Deputy Title IX Coordinator; all Student Activities staff; full-time faculty members; all Athletic Department Staff, including coaches; all Campbell Solution Center staff; all Residence Life Staff, including Resident Assistants; the Director of the Physical Plant; the Housekeeping Supervisor; and all Public Safety & Security Officers.

When a member of the University community tells a responsible employee about an incident of Sexual Misconduct, Retaliation or Intimidation, the individual has the right to

expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator within three days all relevant details about the alleged Sexual Misconduct that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. Any responsible employee who knew about a violation of this policy and took no action to stop it or failed to report the prohibited act may be subject to disciplinary action.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

#### **d. Anonymous Reporting to the University**

Although the University encourages victims and witnesses to talk to someone, the University provides an online webpage for anonymous reporting. The system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to the University for the purpose of triggering a Title IX investigation.

### **B. Reporting Options Outside the University**

#### **1. Privileged and Confidential Communications:**

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form. Confidential off campus resources are set forth in Section X below.

**Note:** While off-campus counselors and advocates may maintain a victim's confidentiality vis-à-vis the University, they may have reporting or other obligations under state law.

#### **2. Filing a Complaint with Law Enforcement**

As discussed in the Section III above, any member of the University community who has experienced an incident of Sexual Misconduct involving potential criminal conduct has the option to report the conduct to a law enforcement agency that has jurisdiction over the location where the incident occurred. If the conduct is reported to the University, the individual will be informed of his or her option to also report any potential criminal activity to law enforcement.

The University and the police/legal system work independently from one another. Individuals can file reports with the University, with law enforcement, with both systems or neither. Because the standards for finding a violation of criminal law are different from the standards in this policy, criminal investigations or reports are not determinative of whether or not a criminal sexual offense under this policy has occurred.

The on and off campus resources listed in Section X below may be contacted for assistance in filing a report with local law enforcement.

### **3. Filing with External Agencies**

In addition to the University's internal remedies, members of the campus community should also be aware that the Office of Civil Rights investigates and prosecutes complaints of prohibited sex discrimination. This agency may be contacted as follows:

#### **United States Department of Education, Office for Civil Rights**

Region III Office

150 S. Independence Mall West Suite 372

Public Ledger Building Philadelphia, PA 19106-9111

(800) 368-1019

E-mail: ocr@ed.gov

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the Complainant believes was discriminatory. There is no time limit for making a report to the University.

Employees, Employment Applicants, Volunteers and other 3<sup>rd</sup> Parties: In addition, employees, applicants for employment and other 3<sup>rd</sup> Parties may also file a formal complaint of sex discrimination with the following agencies:

#### **Pennsylvania Human Relations Commission**

101 South Second Street, Suite 300

Harrisburg, PA 17101

(717) 787-4410

#### **U. S. Equal Employment Opportunity Commission**

801 Market Street, Suite 1300

Philadelphia, PA 19107-3127

1-800-669-4000

### **C. Requesting Confidentiality From the University**

If a victim discloses an incident to the Title IX Coordinator, the Title IX Deputy Coordinator or a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for the University community, including the victim.

If the University honors the request for confidentiality, a victim must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the University may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all members of the University community.

The University has designated the Title IX Coordinator to evaluate requests for confidentiality once a responsible employee is on notice of alleged Sexual Misconduct.

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

1. The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
  - Whether there have been other sexual violence complaints about the same alleged perpetrator;
  - Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
  - Whether the sexual violence was committed by multiple perpetrators;
2. Whether the sexual violence was perpetrated with weapon;
3. Whether the victim is a minor;
4. Whether the University possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g., security cameras or personnel, physical evidence);
5. Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the victim's request for confidentiality.

**If the University determines that it cannot maintain a victim's confidentiality,** the University will inform the victim prior to starting an investigation and will, to the extent

possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to implement interim measures. Retaliation against the victim, whether by students, University employees or third parties, will not be tolerated. The University will also:

1. Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
2. Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
3. Inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The University will not require a victim to participate in any investigation or disciplinary proceeding.

Because the University is under a continuing obligation to address the issue of Sexual Misconduct across all its campuses, reports of Sexual Misconduct (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported Sexual Misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

**If the University determines that it can respect a victim's request for confidentiality,** the University will also take immediate action as necessary to protect and assist the victim.

#### **D. Mandatory Reporting of Suspected Child Abuse**

Under Pennsylvania law, any persons employed by a private institution of higher education who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, are required to report the matter immediately to Child Protective Services via ChildLine, a toll-free child abuse and neglect hotline at 1 800-932-0313.

The University also requires that the information be immediately shared with the Title IX Coordinator and the Director of Public Safety & Security so that the University can ensure timely compliance with this law and enhance the protection of children.

It is the University's intent to act quickly regarding all suspected child abuse. For the purposes of this reporting obligation, a child is any individual under the age of 18, and the suspected abuse may involve physical, sexual or other forms of abuse or neglect, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief. There is no requirement that you have actual evidence of abuse, nor is it the responsibility of any employee, student, or volunteer to investigate

suspected child abuse. This is the role of child protective services and law enforcement authorities, who are best positioned to do so.

In the event that the abuse was not alleged to have occurred in Pennsylvania, Public Safety and Security, in consultation with the Title IX Coordinator, will assist in identifying the correct jurisdiction for reporting.

## **E. Miscellaneous Reporting Issues**

### **1. Timeliness of Report, Location of Incident**

Complainants and third party witnesses are encouraged to report incidents of Sexual Misconduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. There is no time limit on reporting violations of this policy. If the respondent is no longer a student or employee, the University may not be able to take disciplinary action against the alleged perpetrator, but it will still seek to meet its Title IX obligation by providing support for a complainant and taking steps to end the harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the University. As outlined in the Scope section of this policy, off-campus conduct may be covered under this policy.

### **2. Public Awareness Events**

Public awareness events such as candlelight vigils, protests, or other forums in which students disclose incidents of Sexual Misconduct, are not considered notice to the University of Sexual Misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

### **3. False and Malicious Accusations**

False and malicious accusations of Sexual Misconduct, Retaliation, and/or Intimidation, as opposed to complaints that even if erroneous, are made in good faith, may be subject to appropriate disciplinary action up to and including termination or dismissal.

### **4. Privacy of Proceedings**

When a formal report is made to the University, the complainant, the alleged perpetrator, and all identified witnesses who are named in the investigation will be notified of the University's expectation of confidentiality/privacy. The University will make all reasonable efforts to maintain the confidentiality/privacy of parties involved in gender-based misconduct investigations. Breaches of confidentiality/privacy or retaliation against any person involved in the investigation, including the complainant, alleged perpetrator, witnesses, or the investigators, may result in additional disciplinary action.

### **5. Clery Act Statistical and Timely Warning Reporting Obligations**

Statistical Reporting: The Clery Act is a federal law requiring institutions of higher education to collect and report statistics on certain crimes in an annual Security Report. Campus Security Authorities at the University have a duty to provide the University's Public Safety and Security department with information regarding certain crimes when

they are reported to them. All personally identifiable information is kept confidential, but statistical information regarding Clery reportable crimes must be shared, including the date and location of the incident (but not the specific address) and information about the reported crime to allow for proper classification. This report provides the University community with information about the extent and nature of crime on the University's campuses and helps ensure greater community safety.

The following individuals are considered to be Campus Security Authorities and are required to inform Public Safety and Security of crimes reported to them: Public Safety and Security officers, the Vice President for Enrollment and Student Services, the Dean of Students, Division of Enrollment and Student Services staff, Resident Assistants, Residence Life staff, Human Resources staff, advisors to student organizations, full and part-time athletic coaches, the Director of Athletics, and any other staff with significant responsibility for student and campus activities.

Timely Warnings: In addition, University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. A complainant's name and other identifying information will not be disclosed. The reporters for timely warning purposes are exactly the same as detailed in the paragraph above.

## **6. Truthfulness/Limited Immunity for Alcohol and Other Drug Violations**

Individuals may be hesitant to report conduct which they have experienced or witnessed, to participate in an investigation and/or grievance proceeding, or to speak truthfully because they fear University disciplinary action due to their own consumption of alcohol or other drugs at or near the time of the incident. While the University does not condone underage drinking, the University may extend limited immunity from punitive sanctioning in the case of illegal alcohol use to victims, witnesses and those reporting incidents and/or assisting the victims of sexual offenses, provided that they are acting in good faith in such capacity.

## **SECTION VII: INVESTIGATION PROCEDURES**

### **A. Receipt of a Report of Sexual Misconduct**

Upon receipt of a formal report or knowledge of an incident of Sexual Misconduct, Retaliation or Intimidation occurring between members of the University community, the Title IX Coordinator (or a trained designee) will begin an initial assessment of the incident by meeting with the complainant and then the alleged perpetrator as follows:

#### **1. Meeting with Complainant, Review of Complainant Rights**

Within two (2) business days of receiving a report, the Title IX Coordinator (or an appropriately trained designee) will meet with the complainant to provide information about this policy, including a listing of his or her rights. In addition, the Title IX Coordinator (or trained designee) will:

- Provide the complainant or alleged victim with a Complaint Form which, if he or she agrees to disclose the information, details information regarding the allegation, including the name of the alleged perpetrator and the date, location

and general nature of the alleged misconduct (the complainant or victim as applicable may either complete the complaint form him- or herself or he or she may choose to dictate the information to the Title IX Coordinator or designee, who will confirm the accuracy of his or her documentation with the complainant/victim);

- Explain avenues for formal and informal resolution of the complaint, including a description of the University's investigation procedures and an explanation of how the procedures works;
- Explain the steps involved in a Sexual Misconduct investigation;
- Explain the importance of preserving any relevant evidence or documentation in the case;
- Discuss confidentiality standards and concerns with the complainant;
- Determine whether the complainant wishes to pursue an informal or formal resolution through the University, law enforcement, both or no resolution of any kind;
- Refer the complainant to on and off-campus support services, as appropriate; and
- Discuss with the complainant, as appropriate, possible interim measures or academic accommodations that can be provided to the complainant during the pendency of the investigative and resolution processes. The University may extend an interim measure to an individual if requested, appropriate, and reasonably available, whether a formal complaint has been filed or whether an investigation by either the University or law enforcement agencies has commenced. See the Interim Measures in Section VII.B for additional information.

## **2. Meeting with Alleged Perpetrator, Review of Rights**

The Title IX Coordinator (or an appropriately trained designee) will take steps to meet with the alleged perpetrator(s) to provide information about this policy, including a listing of rights, within two (2) business days of meeting with the complainant/victim. In addition, the Title IX Coordinator or designee will:

- Provide the alleged perpetrator with sufficient information consistent with state and federal privacy laws and, if applicable, the complainant's and/or the alleged victim's request for confidentiality, to allow him or her to respond to the substance of the allegation, if possible including the name of the complainant and the alleged victim (if not the complainant) and the date, location and nature of the alleged misconduct;
- Advise the alleged perpetrator to seek legal counsel before making any written or oral statements when the allegations, if true, might constitute criminal conduct. Those facing allegations may wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved;

- Explain the University's procedures for formal and informal resolution of the complaint, including a description of the University's Sexual Misconduct Policy and an explanation of how the procedures work;
- Explain the steps involved in a Sexual Misconduct investigation;
- Explain the importance of preserving any relevant evidence or documentation in the case;
- Discuss confidentiality standards and concerns with the alleged perpetrator;
- Inform the alleged perpetrator of any interim measures or academic accommodations already determined and being provided to the complainant and the alleged victim (if not the complainant) that directly affect the alleged perpetrator (e.g., changing his or her class schedule, or moving him or her to an alternate residence hall);
- Refer the alleged perpetrator to on or off-campus support services, as appropriate; and
- Discuss with the alleged perpetrator, as appropriate, possible interim measures that can be provided during the pendency of the investigative and resolution processes. The University may extend interim measures to an individual if requested, appropriate, and reasonably available, whether a formal complaint has been filed or whether an investigation by either campus administrators or law enforcement agencies has commenced. See the Interim Measures in Section VII.B for additional information.

If the alleged perpetrator chooses not to participate or refuses to answer a complaint, such nonparticipation will not prevent the matter from proceeding.

## **B. Interim Measures**

Title IX requires the University to take steps to ensure equal access to its education, residential life and work programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. The University, as determined by the Title IX Coordinator, will take these steps promptly once he or she is on notice of a Sexual Misconduct allegation and will provide the complainant with periodic updates on the status of the investigation. The University will also notify the complainant of his or her options to avoid contact with the alleged perpetrator and will allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining, and working situation as appropriate. The Title IX Coordinator will also ensure that the complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement.

The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. The Title IX Coordinator will consider a number of factors in determining what interim measures to take, including, for example, the specific need expressed by the complainant; the age of the students

involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation, or job location; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

In general, when taking interim measures, the University will minimize the burden on the complainant. For example, if the complainant and alleged perpetrator share the same class or residence hall, the University will typically not remove the complainant from the class or housing while allowing the alleged perpetrator to remain without carefully considering the facts of the case.

Even when the Title IX Coordinator has determined that the University may not be able to respond fully to an allegation of Sexual Misconduct and initiate formal action against an alleged perpetrator because of the victim's request for confidentiality, the Title IX Coordinator will take immediate action to protect the complainant and the University community while keeping his or her identity confidential. These actions may include: providing support services to the complainant; changing living arrangements or course schedules, assignments, or tests; and providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred.

**Examples:** Examples of Interim Measures and Academic Accommodations include, but are not limited to the following:

- Issuance of mutual no contact letters to ensure the safety of all parties and the integrity of the process;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty);
- Academic assistance such as: providing alternative course completion options, dropping a course without penalty, or transferring to a different class section (with the agreement of the appropriate faculty);
- Appropriate changes in work or class schedules;
- Housing assistance, such as: changes to on-campus housing, on-campus relocation, assistance with dissolving a housing contract in accordance with housing policies;
- Limiting an individual or organization's access to certain University facilities or activities pending resolution of the matter;
- Facilitating a voluntary leave of absence;
- Providing an escort to ensure safe movement on campus;
- Implementing an interim suspension/leave of absence: During an interim suspension/paid leave of absence the alleged perpetrator may be denied access to campus, campus facilities and/or all other University activities or privileges for which the alleged perpetrator might otherwise be eligible, as the University determines appropriate. Moreover, alleged perpetrator who has been put on an interim suspension/paid leave of absence has the right to a meeting with the Title IX Coordinator to appeal the interim suspension/paid leave of absence. The Title

IX Coordinator will consider the appeal in consultation with the appropriate administrator.

Note: Failure to comply with the terms of interim protections may be considered a separate violation of the University's Sexual Misconduct policy.

### **C. Investigation and Resolution Time Frames**

The University will seek to resolve every report of Sexual Misconduct within approximately sixty calendar days of an initial report, not counting any appeal. Generally, the time line will take sixty days and be as follows:

- The Investigation begins within 5 days after the initial report;
- The Investigation is completed within 30 days after the investigation begins;
- Hearing (if any) held within 10 days after the conclusion of the investigation;
- Determination of the hearing panel issued within 5 days after the hearing;
- Notice of sanctions issued within 5 days after the determination of the hearing panel;
- Notice of appeals filed by either/both complainant and respondent within 5 days after the notice of determination and sanctions received by the complainant and respondent;
- Decision on the appeal within 5 days after notice of appeal received.

These timeframe may be extended based on factors such as, but not limited to, criminal investigations, schedule and availability of witnesses, holidays or semester breaks, and complexity of the complaint. If an investigation cannot be completed within sixty days, the Title IX Coordinator will notify the complainant and respondent(s) of that fact and provide a timeframe for completing the investigation.

### **D. Informal Resolution**

In instances where it is deemed possible and safe, the Title IX Coordinator or Deputy Coordinator assigned to the case may choose to attempt to resolve reports of Sexual Misconduct through informal means. If, based in the facts of the case, it is determined that an informal resolution may be appropriate, the Title IX Coordinator or Deputy Coordinator will discuss this option with the alleged victim during the initial meeting. If the complainant agrees, the Title IX Coordinator or Deputy Coordinator will discuss informal resolution with the alleged perpetrator(s) during the initial meeting. Consent from both parties is required to proceed further in the informal resolution process.

If informal resolution is determined to be appropriate and the parties agree to proceed, the Title IX Coordinator or Deputy Coordinator will ask the complainant to submit a written statement within five (5) days of the decision to engage in an informal resolution. The Title IX Coordinator or Deputy Coordinator will share the complainant's statement with the alleged perpetrator(s) who will have five (5) days to submit a written response to the Title IX Coordinator or Deputy Coordinator.

The Title IX Coordinator or Deputy Coordinator will then meet separately with both parties to present and discuss an informal resolution based on the information available.

In the informal resolution process, the Title IX Coordinator or Deputy Coordinator does not serve in the role of fact finder but rather identifies possible resolution(s) to the complaint.

- If a satisfactory resolution is reached to the satisfaction of both the complainant and the alleged perpetrator, the matter will be considered completed.
- If these efforts are unsuccessful, the formal investigation process will commence.

The Title IX Coordinator or Deputy Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report as is reasonable and practicable. In circumstances when it is not reasonable and practicable to complete the informal process in this time frame, both the complainant and the alleged perpetrator will be notified in writing regarding the delay and anticipated completion.

*Note: Informal Resolution will not be used to address complaints of Sexual Assault, Dating Violence, Domestic Violence, Sexual Exploitation of any kind or in other cases of serious violations of the Sexual Misconduct policy as determined by the Title IX Coordinator.* It is not necessary to pursue informal resolution first in order to make a formal resolution complaint, and anyone participating in informal resolution can stop that process at any time and request a formal resolution.

## **E. Formal Resolution**

When either an attempt at informal resolution fails or the reported incident involves an allegation of Sexual Assault, Dating Violence, Domestic Violence, Sexual Exploitation, or a serious violation of the Sexual Misconduct Policy, the Title IX Coordinator will assign an investigator to conduct an impartial, thorough and prompt investigation. At the discretion of the Title IX Coordinator, a consultant or other appropriately outside trained designee may be engaged to assist in or conduct the formal investigation process. Any investigator assigned to the case will be impartial and fully trained with respect to Title IX and the University's investigation procedures and Sexual Misconduct policy. The investigation will begin within 5 days of receipt of the initial report.

*Note re: Conflicts of Interests:* The University requires any individual participating in the investigation, hearing process, sanctioning or appeal determinations to disclose to the Title IX Coordinator any potential or actual conflict of interest. If a complainant or respondent believes that any individual involved in the process has a conflict of interest, he or she may make a request to the Title IX Coordinator that the individual not participate. A complainant or alleged perpetrator who believes that a member of a hearing panel has a conflict of interest must submit this written request to the Title IX Coordinator within three days after notification of the panel's membership. Any request should include a description of the conflict. If the Title IX Coordinator determines that a conflict of interest exists, the University will take steps to address the conflict in order to ensure an impartial process.

### **1. Investigation**

The formal investigation may include, but is not limited to, conducting interviews of the complainant, the alleged perpetrator(s), and any witnesses; reviewing law enforcement

investigation documents, if applicable; reviewing student and personnel files; and gathering, examining, and preserving other relevant documents and physical, written, and electronic evidence (including social media). The parties will have an equal opportunity to present relevant witnesses and evidence to the investigator. Moreover, both the complainant and alleged perpetrator(s) may have a support person accompany him or her through the investigation process. A support person may not speak for the parties or address any hearing panel or administrators assigned to determine whether a policy violation has occurred.

The investigator should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure of any personally identifiable information (as that term is defined by FERPA) contained in the complaint, the investigative report, and/or any other documents the disclosure of which is contemplated by this policy in order to further the resolution of the complaint.<sup>1</sup>

The investigation, which will be completed within 30 days after the investigation begins, will result in a written report detailing the investigation, including a synthesized presentation of the facts and a determination of whether there is reasonable cause to believe that the alleged perpetrator(s) engaged in a Sexual Misconduct policy violation.

## **2. Coordination with Law Enforcement**

As noted earlier, the University and the police/legal system work independently from one another. Individuals can file reports with the University, with law enforcement, with both systems or neither. Because the standards for finding a violation of criminal law are different from the standards in this policy, criminal investigations or reports are not determinative of whether or not this policy has been violated.

If a report is filed with both the University and law enforcement, the University will proceed with its normal Title IX investigation process. The University, however, may need to temporarily delay its fact-finding portion of the investigation while law enforcement is gathering initial evidence. This delay typically takes three to ten calendar days, although it may be longer in certain instances.

If a delay in the University's Title IX investigation occurs, the University will take interim measures to protect the complainant in the educational or work setting as applicable (see Section VII.B). Moreover, the Title IX Coordinator will continue to update the parties on the status of the investigation and inform them when the University's Title IX investigation resumes, which will occur promptly after law enforcement notifies the University that it has completed its evidence gathering stage of the criminal investigation. The University will not, however, delay its investigation until the ultimate outcome of the criminal investigation or the filing of any charges.

### *Sharing of Records and Information with Law Enforcement:*

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<sup>1</sup> If the Investigator is unable to obtain the consent of such third-party witnesses, he or she must redact the investigative report to the extent necessary to avoid disclosure of such witness's personally identifiable information, while ensuring that such redaction does not prevent resolution of the Complaint.

The University will share with law enforcement, when appropriate, any information or records permitted to be released under any exception to the privacy protections of the Family Educational Rights and Privacy Act (FERPA), including the Health and Safety Emergency exception and/or records/information otherwise protected by any other state laws or local ordinances. It should be noted that FERPA applies only to records created by the University and to information derived from tangible records. FERPA does not protect the confidentiality of information in general and, therefore, does not apply to the disclosure of information derived from a source other than an education record, even if education records exist which contain that information. As a general rule, information that is obtained through personal knowledge or observation and not from an education record is not protected from disclosure under FERPA. Thus, a verbal report of an offense of violence or sexual assault can and must be reported to the appropriate law enforcement agency.

The Department of Public Safety and Security and local law enforcement will exchange, in as timely a manner as is practicable, police investigatory information and copies of police/incident reports reporting any alleged offense of violence or sex offense - including nonpublic information (e.g., the name of uncharged suspects).

In those instances when a student is an alleged perpetrator of a crime of violence or sexual assault, the University will provide to local law enforcement the name of the student found responsible for violating the University's Code of Student Conduct; the Code of Student Conduct violation, and the final results of the disciplinary proceedings.

In the event there is a concern that some information/record regarding a sexual assault may not be shared because of FERPA constraints, the University's legal counsel will be consulted.

### **3. Investigation Findings and Case Resolution**

#### **a. Investigator's Report**

As noted earlier, the investigation will result in a written report detailing the investigation and determining whether there is reasonable cause to believe that the alleged perpetrator engaged in a Sexual Misconduct policy violation. The report will include the investigator's assessment of individual credibility.

The investigator's findings will be in writing and will be provided to both the complainant and to the alleged perpetrator(s), as well as the Title IX Coordinator and, if applicable, the Title IX Deputy Coordinator overseeing the case. The report may be used as evidence in any formal hearing or other decision-making process utilized by the University to determine whether the alleged Sexual Misconduct occurred. Both parties will be provided a copy of the report.

#### **b. Administrative and Hearing Resolutions**

**Investigation Finds Reasonable Cause Does Not Exist:** If the investigator finds reasonable cause does not exist to support an allegation that Sexual Misconduct occurred and created a hostile environment, the Title IX Coordinator will provide the investigator's written report and supporting documentation to both the complainant and the alleged perpetrator(s), and the matter is closed. If, however, in the judgment of the Title IX Coordinator, the facts of the case indicate that the University would benefit from

remedial and community-based efforts such as educational initiatives and/or trainings, the Title IX Coordinator will implement and oversee such efforts. See the Disciplinary Sanctions and Remedial Action section below for additional information.

**Investigation Finds Reasonable Cause Exits:** If the investigator finds that reasonable cause does exist, the Title IX Coordinator or Deputy Coordinator overseeing the case will provide the investigator's written report and supporting documentation to both the complainant and alleged perpetrator(s). Once the report is delivered, the following procedures will be followed:

*If the Alleged Perpetrator is a Student or Faculty Member:* The alleged perpetrator will be given five (5) business days to either accept or reject the investigator's findings. If the alleged perpetrator rejects the investigator's findings, fails to respond, or voluntarily elects not to respond, the matter will be referred to a formal hearing panel for resolution (see Formal Hearing section). If, however, the respondent accepts responsibility, the matter will proceed directly to the sanction stage (see the Disciplinary Sanctions and Remedial Action section below), followed by any appeals.

*If the Alleged Perpetrator is a Staff Member or Third Party:* The complainant and alleged perpetrator will each have five (5) days from receipt of the investigator's written findings to submit a final written statement to the Title IX Coordinator for consideration by the Vice President for Business and Finance. The written statements should address any areas of concerns in the investigator's written report.

The Title IX Coordinator will then forward the investigator's report, supporting documents and any final written statements submitted by the parties to the Vice President for Business and Finance for final resolution based on the preponderance of the evidence standard (see paragraph c below). If the alleged perpetrator(s) is found responsible for a violation, appropriate sanctions up to and including dismissal/termination of employment for staff members and up to and including removal from campus and termination of contractual arrangements for third parties will be implemented. See the Disciplinary Sanctions and Remedial Action section below for additional information. Both the complainant and perpetrator(s) will be notified in writing of the final resolution, which is considered final - no appeals of the Vice President for Business and Finance's decision for either party is permitted.

In addition to the above, the Title IX Coordinator will review the facts of the case, including the investigator's report, supporting documents and the Vice President for Business and Finance's written decision and promptly introduce remedial and community-based efforts as necessary. See the Disciplinary Sanctions and Remedial Action section below for additional information.

### **c. Evidentiary Standard of Review**

The University will use the **preponderance of evidence** as the standard of proof to determine whether a Sexual Misconduct policy violation occurred. Preponderance of evidence means that the hearing body or administrator deciding the case must be convinced based on the information provided that a policy violation was more likely to have occurred than to not have occurred in order to find the accused responsible for violating the policy.

#### **d. Formal Hearing**

If informal resolution or administrative resolution is not available or successful, the University will convene a hearing panel following the end of the investigation. The hearing panel is charged with determining whether the University's Sexual Misconduct Policy has been violated based on the preponderance of the evidence standard and, if so, issuing a recommendation for an appropriate disciplinary sanction.

Every effort will be made to convene a hearing panel as soon as practicable following the conclusion of the investigation – ideally within 15 days after the receipt of the investigation report. Whenever possible, the complainant and alleged perpetrator will be given at least five days' notice to prepare for the hearing. The hearing is a closed proceeding. The Title IX Coordinator or Deputy Coordinator overseeing the case will work with other University officials to ensure any member of the University community whose presence is required is able to participate in the hearing.

#### **The Hearing Panel**

The hearing panel will generally have three members drawn from a small group of specially trained administrators. At the Title IX Coordinator's discretion, retired judges, lawyers or other individuals with relevant experience and special training may be assigned to the panel. All University employed panelists will receive Title IX training from experts in the field at least once a year. In addition to training on how the hearing process works, the training will include specific instruction about how to approach sensitive issues that may arise in the context of Sexual Misconduct.

The complainant and alleged perpetrator will be informed of the panel's membership before the hearing process begins. As noted earlier, a party may challenge a panel member's participation in writing if the party believes that a panelist is acquainted or associated with the case in any way. This written challenge must be received by the Title IX Coordinator within three days after the notification of the panel's constitution.

#### **Hearing Procedures**

The Hearing Panel will have the opportunity to thoroughly review the investigative report and documentation submitted by the investigator(s) prior to the hearing. The general course of the hearing will be as follows, whenever possible:

- Complainant statement;
- Respondent statement;
- Questions to the complainant by the panel;
- Questions to the respondent by the panel;
- Witness testimony and questioning by the panel;
- Clarification to the investigator by the panel;
- Closing statement by complainant;
- Closing statement by respondent.

The panel may impose time limits on any stage of the procedure. The panel may determine the relevance of and place restrictions on any witnesses or information presented. The hearing is a closed proceeding.

### **Participation of Parties**

The University does not require the complainant or the alleged perpetrator(s) to be present at or participate in a hearing. Where a complainant elects to participate in the hearing process, the University will make arrangements so that the complainant and the alleged perpetrator(s) do not have to be present in the same room at the same time. Typically, this will be accomplished via closed-circuit television or video conferencing.

### **Consideration of Past Sexual History**

Questioning about the complainant's sexual history with anyone other than the alleged perpetrator is not permitted. 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. The University will also ensure that hearings are conducted in a manner that does not inflict additional trauma on the complainant.

### **Consideration of Prior Conduct History**

While previous conduct violations of the alleged perpetrator(s) are generally not admissible as information about the present alleged violations, a hearing panel may consider the alleged perpetrator's prior conduct history to the hearing panel if:

- The alleged perpetrator was previously found to be responsible;
- The previous incident was substantially similar to the present allegation; and/or
- The information indicates a pattern of behavior by the alleged perpetrator.

### **Witness and Questioning**

The hearing panel will determine the witnesses (if any) they would like to hear testimony from based on the investigative report and documentation. Only the panel may ask questions of the parties and of any witnesses. Witnesses must have observed the conduct in question or have information relevant to the incident. The panel will not hear from individuals whose sole purpose is to provide character information. Both parties will be notified in advance of the hearing of any witnesses who will be appearing at the hearing.

Both parties have the opportunity to put forth questions of the other party and of witnesses. This is done by submitting questions to the panel in written format. The panel may determine which questions are relevant and which are duplicative in nature. The panel reserves the right to revise or remove submitted questions.

### **Hearing Recording**

An audio recording of the hearing will be kept for the use of the panel and for purposes of appeal. This recording may be transcribed at the request of the panelists.

### **Supporters**

Both the alleged perpetrator and the complainant are entitled to have a supporter present at the hearing and during any meetings regarding the process. The supporter's function

in the process is to provide support. During the hearing, the supporter may not intervene in the hearing or address the panel.

**Hearing Panel Findings:** The panel will use preponderance of evidence as the standard of proof to determine whether a policy violation occurred. Based on this standard, the panel may find the alleged perpetrator responsible for an alleged violation of policy based on a majority vote. The panel may also vote by majority to dismiss the charge based on the same evidentiary standard.

The panel will render a written decision to the complainant, alleged perpetrator and the Title IX Coordinator within five (5) days following the conclusion of the hearing. The report will summarize the panel's findings, the outcome of the voting, the information cited by the panel in support of its decision, as well as any suggested sanctions and/or responsive action should the panel determine a policy violation has occurred. The report to the complainant and alleged perpetrator will be delivered via hand delivery, mail or e-mail.

Should the panel determine a policy violation has occurred, the Title IX Coordinator or Deputy Coordinator will refer the matter to the appropriate Vice President for the imposition of disciplinary sanctions. In addition to the above, the Title IX Coordinator will determine if remedial action measures are appropriate to respond to the effects of the incident on the College community. See the Disciplinary Sanctions and Remedial Action section below.

#### **E. Disciplinary Sanctions and Remedial Actions**

Should the alleged perpetrator accept responsibility for a policy violation or either an administrator or hearing panel determine a policy violation has occurred, the Title IX Coordinator or Deputy Coordinator overseeing the case will refer the matter for the imposition of an appropriate disciplinary sanction as follows:

- *If Respondent is a Student:* The Dean of Students, in consultation with the Title IX Coordinator, will determine the appropriate disciplinary sanction.
- *If Respondent is a Staff Member, Third Party or Volunteer:* The Vice President for Business and Finance, in consultation with the Title IX Coordinator, will determine the appropriate disciplinary sanction.
- *If Respondent is a Faculty Member:* The Vice President for Academic Affairs, in consultation with the Title IX Coordinator, will determine the appropriate disciplinary sanction.

The disciplinary sanction rendered will be issued within five (5) days following the receipt of the panel's written decision or the alleged perpetrator's admission of responsibility. Consideration may be given to the nature of and circumstances surrounding the violation, prior disciplinary violations, precedent cases, the University's safety concerns, or any other information deemed relevant by the appropriate vice president. Copies of the decision will be provided to the complainant and perpetrator, as well as the Title IX Coordinator and Deputy Coordinator as applicable, via hand delivery, mail or e-mail.

If the sanction is accepted by both the complainant and perpetrator, the appropriate vice president will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the complainant and the community.

If either party rejects the sanction/responsive action, the decision may be appealed (see Appeal Section).\*

**\*Note:** When the alleged perpetrator is a staff member, volunteer or third party, the Vice President for Business and Finance's sanctioning decision may not be appealed by either party.

*Examples of Disciplinary Sanctions:*

- Students: Disciplinary sanctions for students found to have violated the University's Sexual Misconduct Policy may include any of the sanctions outlined in the Code of Student Conduct, including but not limited to warnings, probation, suspension, suspension from participation in activities or privileges, suspension from the University or the residence halls, or expulsion.
- Faculty, Staff Volunteers: Sanctions for faculty, staff or volunteers may include, for example, training, referral to counseling, and disciplinary actions such as warnings, reprimands, withholding of a promotion or pay increase, reassignment, restriction in activities or privileges, temporary suspension without pay, compensation adjustments, or termination.

In addition to the imposition of disciplinary sanctions, the Title IX Coordinator may take remedial action to remedy the hostile environment. These remedies may be imposed to protect the complainant and the University community and are considered separate from, and in addition to, any disciplinary sanction or interim measure that may have been provided prior to the conclusion of the University's investigation.

*Examples of Remedial Action for the Complainant:*

Remedies for the complainant, as determined by the Title IX Coordinator or Deputy Coordinator may include, but are not limited to:

- Providing an effective escort to ensure that the complainant can move safely between classes and activities;
- Ensuring the complainant and perpetrator(s) do not share classes or extracurricular activities;
- Moving the perpetrator or complainant (if the complainant requests to be moved) to a different residence hall;
- Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
- Arranging for the complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined.

### *Examples of Remedial Action for the Broader University Population*

Remedies for the broader University population, as determined by the Title IX Coordinator or Deputy Coordinator may include, but are not limited to:

- Designating an individual from the Counseling Center who is specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist students whenever needed;
- Training or retraining employees on the University's responsibilities to address allegations of Sexual Misconduct and how to conduct Title IX investigations;
- Developing materials on Sexual Misconduct;
- Conducting bystander intervention and Sexual Misconduct prevention programs with students;
- Issuing policy statements or taking other steps that clearly communicate that the University does not tolerate Sexual Misconduct and will respond to any incidents and to any student who reports such incidents;
- Conducting a campus climate check to assess the effectiveness of efforts to ensure that the University is free from Sexual Misconduct, and using that information to inform future proactive steps that the school will take;
- Targeted training for a group of students if, for example, the Sexual Misconduct created a hostile environment in a residence hall or on an athletic team; and
- Developing a protocol for working with local law enforcement.

When the University is unable to conduct a full investigation into a particular incident (i.e., when the complainant insists on confidentiality, when it received a general report of Sexual Misconduct without any personally identifying information, etc.), the Title IX Coordinator will pursue remedies for the broader University population in an effort to limit the effects of the conduct at issue and prevent its recurrence.

Note: The University does not permit a student alleged perpetrator to withdraw if that student has a complaint pending for violation of this policy. Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Gwynedd Mercy University unless all sanctions have been satisfied. A hold may be placed on the student's account to prohibit re-enrollment and the release of transcripts.

### **F. Appeals**

Either the complainant or the alleged perpetrator or both may appeal the determination of the hearing panel and/or the imposition of disciplinary sanctions. \*Appeals are decided by the President of the University or a designee. The three grounds for appeal are:

- A procedural error affecting the determination or sanction;
- New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and

- Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

**\*Note:** When the alleged perpetrator is a staff member, volunteer or third party, the Vice President for Business and Finance's sanctioning decision may not be appealed by either party.

The appealing party must submit the appeal in writing within five days after receiving the sanctioning notice to the Title IX Coordinator, who will immediately forward it to the President (or designee). If either the complainant or alleged perpetrator submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing party may submit a written response within five days after notice of an appeal.

If the President concludes that a change in the hearing panel's determination is warranted, the President may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. After consultation with the Title IX Coordinator, the President may also change the disciplinary sanction. If both the complainant and alleged perpetrator appeal, the appeals will be considered concurrently.

The President (or designee) will notify the complainant and perpetrator of the final decision in writing. Appeals decisions will be rendered within ten days after the receipt of the written appeal. All appeal decisions are final.

## **G. Notifications**

The Title IX Coordinator will inform the parties in writing 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 perpetrator(s), and other steps the University has taken to eliminate the hostile environment, if it finds one to exist, and prevent recurrence. The perpetrator(s) will not be notified of the individual remedies offered or provided to the complainant.

Because both parties must be informed of the outcome, including sanction information, of any institutional proceeding alleging Sexual Misconduct, the University will not require a complainant to abide by a non-disclosure agreement, in writing or otherwise, that would prevent the re-disclosure of this information.

Note: If the alleged victim is deceased as a result of a Sexual Misconduct criminal act, the University will provide the victim's next of kin with the University's final determination with respect to the alleged sex crime or offense and any sanction that is imposed against the perpetrator(s).

## **H. Complainant and Alleged Perpetrator Rights**

**Complainant Rights:** Complainants are afforded the following rights in the University's investigative process:

1. To be treated with respect, dignity, and sensitivity throughout the process;
2. To seek support services at the University;

3. To confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know;
4. To be informed of the University's Sexual Misconduct Policy and procedures;
5. To a prompt and thorough investigation of the allegations;
6. To review all applicable documents and evidence available to the University prior to an administrator or hearing review;
7. To challenge any individual taking part in an administrator or hearing board review proceeding if a conflict of interest is present;
8. To participate or decline to participate in the University's investigation. However, the University will determine an outcome with the information available pursuant to applicable proceedings;
9. To refrain from making self-incriminating statements;
10. To be notified, in writing, of the case resolution – including the outcome of any sanctions/remedial action and appeal;
11. To report incidents of criminal Sexual Misconduct to law enforcement if she/he wishes to do so;
12. To understand that information collected in this process may be subpoenaed in criminal or civil proceedings

**Alleged Perpetrator(s) Rights:** Individuals accused of a violation of the University's Sexual Harassment Policy are afforded the following rights in the investigative process:

1. To be treated with respect, dignity, and sensitivity throughout the process;
2. To seek support services at the University;
3. To confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know;
4. To be informed of the University's Sexual Misconduct Policy;
5. To a prompt and thorough investigation of the allegations;
6. To review all applicable documents and evidence available to the University prior to an administrator or hearing review;
7. To challenge any individual taking part in an administrator or hearing board review proceeding if a conflict of interest is present;
8. To participate or decline to participate in the University's investigation. However, the University will determine an outcome with the information available pursuant to applicable proceedings;
9. To refrain from making self-incriminating statements;
10. To be notified, in writing, of the case resolution – including the outcome of any sanctions/remedial action and appeal;

11. To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.

## **SECTION VIII. PREVENTION, EDUCATION & TRAINING**

The University is committed to preventing and eliminating impermissible discrimination and harassment of students, faculty, and staff. To that end, the University will broadly disseminate the Sexual Misconduct Policy, distribute a list of resources available to respond to concerns of sexual harassment and discrimination and related retaliation and intimidation, and develop and present appropriate educational resources and training programs for students and employees.

### **A. Prevention and Educational Resources**

Gwynedd Mercy University provides resources for education about and prevention of Sexual Misconduct. Both University and off-campus prevention and educational resources regarding Sexual Misconduct are listed in Section X.

### **B. Training**

Sexual Misconduct prevention training, which includes training with respect to sexual assault offenses, is required for members of the Gwynedd Mercy University community according to the following schedule:

- All incoming students - annually;
- New full-time faculty and staff, within six months of hire;
- All Responsible Employees- annually;
- All Victim advocates - annually;
- Title IX Coordinator and Deputy Coordinator – annually;
- All Public Safety and Security officers – annually;
- Faculty and student prevention and awareness campaigns – periodic.

#### **1. Employee Training**

Training for employees includes practical information about how to prevent and identify Sexual Misconduct, including same-sex Sexual Misconduct; the behaviors that may lead to and result in Sexual Misconduct; the attitudes of bystanders that may allow conduct to continue; the potential for re-victimization by responders and its effect on the victim; appropriate methods for responding to a victim who may have experienced an incident of Sexual Misconduct, including the use of nonjudgmental language; the impact of trauma on victims; and, as applicable, the person(s) to whom such misconduct must be reported. The University's training also explains Responsible Employees' reporting obligations, including what should be included in a report and any consequences for the failure to report and the procedure for responding to a victim's request for confidentiality, as well as provide the contact information for the University's Title IX Coordinator. The University also trains Responsible Employees to inform victims of: the reporting obligations of Responsible Employees; the victim's option to request confidentiality and

available confidential advocacy, counseling, or other support services; and the victim's right to file a Title IX complaint with the University and to report a crime to campus or local law enforcement. For additional information on the reporting obligations of Responsible Employees, see Section VI.

## **2. Student Training**

At a minimum, the following topics (as appropriate) are covered during the University's Sexual Misconduct student training:

- Title IX and what constitutes sexual assault (including same-sex assaults), domestic violence, dating violence and stalking pursuant to the University's Sexual Misconduct Policy, as well as the definitions for each (as applicable) pursuant to Pennsylvania law;
- The University's and the State of Pennsylvania's definition of consent applicable to sexual conduct, including examples;
- How the University analyzes whether conduct is unwelcome under Title IX and the Campus Sexual Violence Elimination Act;
- How the University analyzes whether unwelcome sexual misconduct creates a hostile environment;
- Reporting options, including formal reporting and confidential disclosure options;
- Identification of the offices or individuals with whom victims can speak confidentially and 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 – both on campus and in the community;
- Identification of those employees who are considered "Responsible Employees";
- The University's investigation procedures used to process Sexual Misconduct complaints;
- Sanctions relating to Sexual Misconduct and the availability of protective orders and other interim measures;
- 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 perpetrate Sexual Assault and other forms of Sexual Misconduct;
- Strategies and skills for 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;
- How to report criminal Sexual Misconduct incidents to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
- Title IX's protections against retaliation and intimidation;

- Notification about the steps that victims should take to preserve evidence of a sexual assault and/or stalking;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.

The University's training also encourages students to report incidents of Sexual Misconduct and explains that students (and their parents or friends) do not need to determine whether incidents of Sexual Assault or other Sexual Misconduct created a hostile environment before reporting the incident. The training also highlights that the University's primary concern is student safety, and the use of alcohol or drugs never makes the survivor at fault for an incident of Sexual Misconduct.

### C. Campus Assessments

The University conducts an annual Sexual Misconduct climate survey in accordance with the guidelines found at: <https://www.notalone.gov/assets/ovw-climate-survey.pdf>.

## **SECTION IX. ANNUAL REPORT**

The Title IX Coordinator maintains an annual report documenting: (1) the number of reports or complaints received pursuant to this policy; (2) the categories of those involved in the allegations; (3) the number of policy violations found; and (4) examples of sanctions imposed for policy violations.

**SECTION X – UNIVERSITY AND OFF CAMPUS RESOURCES**

**A. UNIVERSITY RESOURCES**

Resource	Phone	E-Mail	Office Location	Availability	Confidential Resource?	Reporting Obligations
<b>Title IX Coordinator</b>	Ext. 21140	<a href="mailto:wood.r@gmercyu.edu">wood.r@gmercyu.edu</a>	Connelly Faculty Center, Room #114	Normal Business Hours	No	<p>Unless a complainant requests otherwise and the request is granted, the Title IX Coordinator will supervise the investigation and response to reported Sexual Misconduct incidents;</p> <p>If the incident is a crime, the Title IX Coordinator will report it without any identifying information to Public Safety &amp; Security for inclusion in the daily crime log and annual</p>

						<p>statistical report and for issuance of any required timely warning;</p> <p>The Title IX Coordinator will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
<b>Title IX Deputy Coordinator</b>	Ext. 21546	<a href="mailto:horsey.c@gmercyu.edu">horsey.c@gmercyu.edu</a>	The Griffin Complex, Room #1	Normal Business Hours	No	See Title IX Coordinator.
<b>Public Safety &amp; Security</b>	Ext. 21522 or 21300		St. Brigid Hall	24/7	No	Public Safety & Security will report to the Title IX Coordinator all information received about Sexual Misconduct incidents so the University can investigate and
<b>Director of Public Safety &amp; Security</b>	Ext. 21785	<a href="mailto:mcnesby.j@gmercyu.edu">mcnesby.j@gmercyu.edu</a>		Normal Business Hours		

						<p>respond.</p> <p>If the incident is a crime, Public Safety &amp; Security will include it in a crime log and annual crime statistics without identifying the alleged victim.</p> <p>If the incident is a crime and poses a serious or continuing threat, Public Safety &amp; Security will issue an emergency notification or timely warning.</p> <p>If the incident is a crime under Pennsylvania law, Public Safety &amp; Security will report it to the law enforcement and cooperate in any investigation</p>
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						<p>If there is reasonable cause to suspect that a minor has been sexually abused, Public Safety &amp; Security will notify Child Protective Services.</p> <p>Public Safety &amp; Security will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
<p><b>Director of Counseling &amp;</b></p> <p><b>Counselor (For Students)</b></p>	<p>Ext. 21571</p> <p>Ext. 21427</p>	<p><a href="mailto:moore.pamela@gmercyu.edu">moore.pamela@gmercyu.edu</a></p> <p><a href="mailto:counseling@gmercyu.edu">counseling@gmercyu.edu</a></p> <p><a href="mailto:counseling@gmercyu.edu">counseling@gmercyu.edu</a></p>		<p>Normal Business Hours. After Hours, Contact Public Safety &amp; Security.</p>	<p>Yes</p>	<p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, Mental Health officials</p>

						will be contacted. If there is reasonable cause to suspect that a minor has been sexually abused, Child Protective Services will be contacted.
<b>Campus Minister (For Students)</b>	Ext. 21592	<a href="mailto:ducharme.l@gmercyu.edu">ducharme.l@gmercyu.edu</a>	Visitation House	Normal Business Hours	Yes, if in capacity as pastoral counselor	If there is reasonable cause to suspect that a minor has been sexually abused, Child Protective Services will be contacted.
<b>Campus Health &amp; Wellness Center</b>	Ext. 21306		Loyola Hall, First Floor	8:30 AM-4:30 PM Monday through Friday	Yes, if treated by a nurse/nurse-practitioner. Not Confidential if treated by a physician, who may be required by law to report sexual violence to the local	If the incident is a crime, these resources will report it without any identifying information to Public Safety & Security for inclusion in the daily crime log and annual statistical report

					police authorities	and for issuance of any required timely warning;  If a patient's clinical state poses a substantial risk of harm to the patient or others, Mental Health officials will be contacted.  If there is reasonable cause to suspect that a minor has been sexually abused, Child Protective Services and Public Safety & Security will be contacted.
<b>Director of Campus Health &amp; Wellness Center</b>	Ext. 21306	<a href="mailto:ferguson.d@gmercyu.edu">ferguson.d@gmercyu.edu</a>	Loyola Hall, First Floor	See Campus Health & Wellness Center above	See Campus Health & Wellness Center above	See Campus Health & Wellness Center above

<p><b>Dean of Students</b></p>	<p>Ext. 21408</p>	<p><a href="mailto:gruber.c@gmercyu.edu">gruber.c@gmercyu.edu</a></p>	<p>The Griffin Complex, Room #1</p>	<p>Normal Business Hours</p>	<p>No</p>	<p>Will report to the Title IX Coordinator all information received about Sexual Misconduct incidents so the University can investigate and respond;</p> <p>If the incident is a crime, these resources will report it without any identifying information to Public Safety &amp; Security for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning;</p> <p>If there is reasonable cause to suspect that a minor has been</p>
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						sexually abused, will notify Child Protective Services and Public Safety & Security.
<b>Student Services Staff</b>	Ext. 21555 or 21546		The Griffin Complex	Normal Business Hours	No	See Dean of Students above.
<b>Residence Life Staff</b>	Ext. 21298		Loyola Hall	Normal Business Hours	No	See Dean of Students above.
<b>Anonymous Reporting Line</b>	866-528-9304	<a href="http://gwyneddmercyuniversity.ethicspoint.com">gwyneddmercyuniversity.ethicspoint.com</a>		24/7	Yes	Not applicable.

*All contact information for the listed resources was confirmed at the time of the Policy's adoption. Up to date contact information can always be found on the University's Website at <http://www.gmercyu.edu/student-life/campus-resources/public-safety>*

**B. OFF CAMPUS RESOURCES**

<b>Resource</b>	<b>Phone Contact</b>	<b>Confidential Resource?</b>
<b>Law Enforcement</b>		
Local Law Enforcement	911	No
Lower Gwynedd Township Police	215-646-5300	No
North Wales Borough Police Department	215-699-9279	No
Philadelphia Police Department, Center City District	215-440-5551; 215-440-5552	No
Bensalem Police Department	215-639-3700	No
East Norriton Police Department	610-272-074	No
Montgomery County District Attorney	610-278-3090	No
<b>Child Protective Services</b>	800-932-0313	No
<b>Victim Advocacy and Support</b>		
Montgomery County Crime Victim's Center	1-610-277-5200	Yes
Women Organized Against Rape (WOAR)	215-985-3333	Yes
Philadelphia Sexual Assault Response Center	215-425-1625	Yes
Network of Victim Assistance (NOVA)	215-343-6543 <a href="tel:800-675-6900">800-675-6900</a>	Yes
Rape, Abuse and Incest National Network (RAINN)	800-656-4673	Yes

<b>Resource</b>	<b>Phone Contact</b>	<b>Confidential Resource?</b>
National Domestic Violence Hotline (NDV)	800 799-7233 (SAFE)	Yes
Campus Conduct Hotline	866-943-5787	Yes
Employee Assistance Program (For Employees)	1-800 538-3543	Yes
<b>Medical Attention</b>		Under Pennsylvania law, a medical provider may be required to notify law enforcement of a reported sexual assault. Although the medical provider will provide information to law enforcement, the reporting person may decline to speak with a law enforcement officer or participate in a criminal prosecution.
<b>Abington Hospital – Jefferson Health</b> 1200 Old York Rd. Abington, PA 19001	215-481-2000	See above
<b>Abington Lansdale Hospital</b> 100 Medical Campus Drive Lansdale, PA 19446	215-368-2100	See above
<b>Thomas Jefferson University Hospital</b> 111 South 11th Street Philadelphia, PA 19107	215-955-6000	See above
<b>Aria Health Bucks County Hospital</b> 380 North Oxford Valley Road Langhorne, PA 19047	215-949-5260	See above