



2024 Annual
**SECURITY & FIRE
SAFETY REPORT**

Susquehanna
UNIVERSITY



A MESSAGE FROM CAMPUS SAFETY

At Susquehanna University, the safety and well-being of every individual who interacts with our university community is a top priority. In full compliance with the Clery Act, we are dedicated to creating and maintaining a secure and supportive environment for everyone.

This comprehensive report is designed to provide you with critical information about the safety policies, procedures, and resources available at Susquehanna. It includes three key components: federally mandated crime statistics, federal fire safety statistics, and state-mandated crime rates and statistics. While the federal and state crime statistics may present different figures due to varying reporting requirements, they collectively offer a thorough overview of campus safety.

THREE REPORTS IN ONE

The **Annual Security Report** covers the previous three calendar years, detailing reported crimes as defined by federal law that occurred on campus, on public property immediately adjacent to and accessible from campus, and in certain non-campus buildings and properties owned or controlled by Susquehanna University. This report also includes important campus security policies, reporting procedures, and our ongoing efforts to enhance campus safety.

The **Annual Fire Safety Report** provides federally required statistics on fires within specific geographic boundaries for the previous three calendar years, along with our university's fire prevention and safety policies.

The annual **Pennsylvania Uniform Crime Report** presents state-required crime statistics and rates for the past three years, based on our student, faculty, and staff population. These statistics reflect offenses reported to and investigated by Susquehanna University Campus Safety, excluding those handled by local, regional, state, or federal law enforcement agencies.

IMPROVING SAFETY IS FOREFRONT

As each academic year begins, we carefully review the events of the past year to identify trends, address areas for improvement, celebrate successes, and plan for the future. Susquehanna Campus Safety, along with other university staff, continuously applies these insights to strengthen community-building, enhance interpersonal relationships, and improve institutional effectiveness, all in the service of ensuring the safety and well-being of our university community.

While we recognize that some incidents are inevitable, many can be prevented through proactive training and education on the policies and procedures designed to protect everyone on campus.

The Campus Safety Office is always open, and we greatly value the input of our community members. We are proud to partner with our students, faculty, and staff on this journey, and we look forward to the year ahead with a shared commitment to safety and security.

Kris Brown,
Director of Campus Safety

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SECURITY REPORT

THE CLERY ACT

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the Clery Act, is a federal law that requires all higher education institutions participating in federal student financial aid programs to report and disclose crime statistics and security policies for their campuses and adjacent areas. Institutions that fail to comply with the Clery Act, which is enforced by the U.S. Department of Education, may face financial penalties and may be suspended from participating in federal financial aid programs.

CLERY ACT COMPLIANCE

The 2024 Susquehanna University Annual Security and Fire Safety Report is published in compliance with the Clery Act and related amendments known as the Violence Against Women Act (VAWA). Preparation of this Report contains statistics for the previous three (3) years concerning Clery Act specific crimes that have been reported as having occurred on campus; in or on non-campus buildings or property owned or controlled by Susquehanna University (“university”); and on public property within or immediately adjacent to the campus. These specific crime statistics are listed in table form within this Report.

Clery Act statistics are collected for each calendar year. The 2024 report contains statistics from Jan. 1 through Dec. 31, 2023.

This report also includes other requirements of the Act, such as institutional policies, campus security policies, policies concerning alcohol and drug use, crime prevention, and other related policies. Campus Safety prepares this Report using information it maintains, information provided by other university offices and designated Campus Security Authorities, and information provided by local law enforcement agencies surrounding campus.

AVAILABILITY OF THIS REPORT

This report is published on the Campus Safety webpage, and a notice of its availability is distributed electronically to the university community by October 1 of each year. Anyone, including prospective students, families of students, all current students, faculty, and staff may review a paper copy of this Report by contacting Campus Safety at 570-372-4444 or by downloading it from the from the Campus Safety website at susqu.edu/clery-report.

The university also provides the Clery Act crime statistics contained in this report to the U.S. Department of Education. The U.S. Department of Education website is ed.gov.

CLERY GEOGRAPHY

Understanding the four categories of geography used in Clery crime-statistic reporting is important. The first category is **on-campus**. This includes any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls. It also includes any building or property that is within or reasonably contiguous to the area, that is owned by the institution but controlled by another person, frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

The second category is **on-campus student housing**. This refers to any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus. Statistics reported in this category are a subset of those reported in the on-campus category.

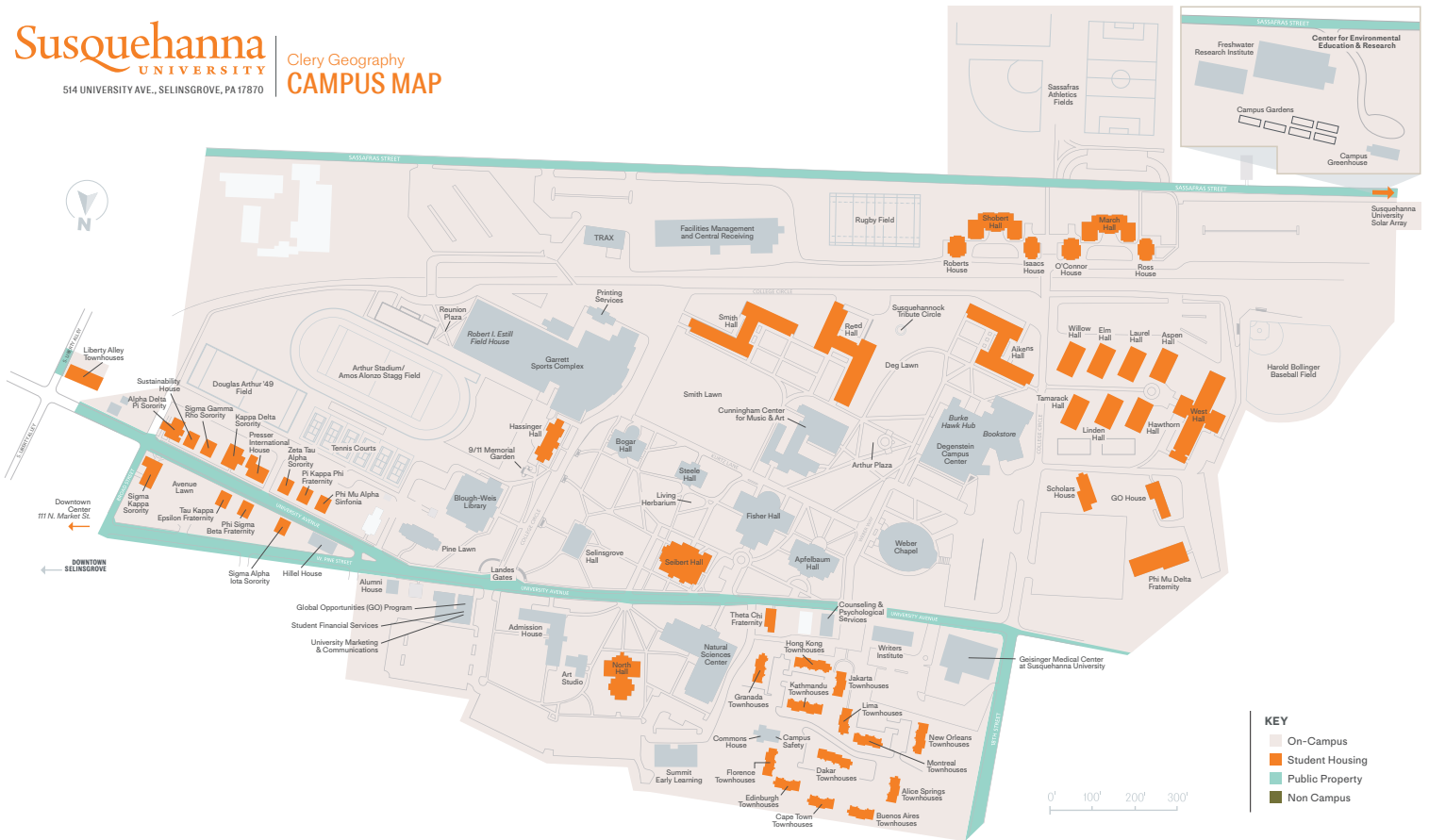
The third category is **public property**. This includes all public property, such as thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus. This contains borough- and county-owned sidewalks and streets immediately adjacent to our on-campus geography, including the sidewalk on the opposite side of the street.

The fourth category is **non-campus**. This is a property or building that is used for institutional/educational purposes that is not contiguous or within the scope of on-campus as defined above. This can also relate to a facility or property that is rented by the university or with which the university has a verbal or written contract for use by the university.

A few notes about Clery geography as it relates to the university and our off-campus trips and study abroad programs. If a university group takes an overnight trip, statistics are not required unless it is a trip that happens annually, and the group stays in the same location every year. In this circumstance any crime would need to be a part of our annual statistics. For study abroad trips on U.S. soil, statistics must be kept. At this time, international trips do not need to be included in our annual report.

Susquehanna UNIVERSITY
514 UNIVERSITY AVE., SELINGROVE, PA 17870

Clery Geography CAMPUS MAP



OTHER UNIVERSITY FACILITIES



MARTIN RETREAT CENTER, DANVILLE, PA



SUSQUEHANNA VALLEY COUNTRY CLUB, SELINGROVE, PA



NEWMAN CENTER, SELINGROVE, PA



NORTHUMBERLAND BOAT CLUB, SHAMOKIN DAM, PA



SUMMER BREEZE STABLES, MILTON, PA



CAMP KARONDINHA, MILLMONT, PA

CAMPUS SAFETY

The best protections against campus crime are a strong security presence; an aware, informed, and alert campus community; a commitment to reporting suspicious activities; and using common sense when conducting daily activities. Susquehanna University strives to be a safe place to learn, live, work, and grow.

Mission

The mission of Campus Safety is to provide safety and security services for the university community that meet the highest professional standards and support the overall academic mission of Susquehanna University.

Office Values

Campus Safety values the principles of honesty, integrity, honor, fairness, and respect in our interactions with those we serve. Committed to excellence, we work to educate the campus community, along with our campus partners via proactive, community-based programs.

Authority and Training

Campus Safety is part of the Division of Student Life team, which is under the authority of the Vice President for Student Life and Dean of Students. Susquehanna Campus Safety Specialists (CSS) are not sworn officers. An extensive background check occurs before a CSS is hired. CSS must successfully complete a probation period and meet office-required certifications. A limited number of highly trained CSS are authorized to carry firearms in the performance of their duties under Pennsylvania's Lethal Weapons Training Act, commonly referred to as Act 235.

The Campus Safety staff receives annual training in a variety of crime prevention and operational topics, including biannual certification in CPR/first aid, use of the automatic electronic defibrillator (AED), and mass casualty equipment. The staff participates in a variety of training programs offered through Vector Solutions/Safe Colleges learning management system. These trainings include, but are not limited to, "Camps on Campus: Keeping Minors Safe," "Clery Act Overview," "Discrimination Awareness in the Workplace," "FERPA: Confidentiality of Records" and "Title IX and Sexual Harassment." Additional trainings throughout the year include De-escalation and First-Responder Training, QPR Suicide Prevention and Neurodiversity and Autism Awareness.

The entire Campus Safety staff receives training in trauma informed response, identifying and responding to stalking, responding to dating and domestic violence on campus, sensitivity in responding to all incidents with particular attention to LGBTQ+, BIPOC and other historically underrepresented communities.

Working Relationship with Local, State and Federal Law Enforcement Agencies

When called for, local, state or federal law enforcement agencies may be contacted to assist or assume control of incidents/investigations. Campus Safety maintains a professional working relationship with the Borough of Selinsgrove Police Department (SPD), Pennsylvania State Police (PSP), and the Snyder County District Attorney's Office. The campus is regularly patrolled by SPD, which has radio interoperability with Campus Safety, and may investigate and bring charges in criminal matters on campus.

Campus Safety staff meet frequently with the Selinsgrove Chief of Police to exchange information. A Memorandum of Understanding between the Campus Safety Office and the Selinsgrove Police Department has been established to assist in maintaining a positive relationship and operational efficiency.

CAMPUS SECURITY INFORMATION

Safety on Susquehanna campus is a primary concern for families, students and university employees. Education at Susquehanna University can only thrive in an environment where every student, employee, and visitor feels safe and secure. The university recognizes this and employs a number of security measures to protect the members of its community.

Susquehanna University's main campus is located in the Borough of Selinsgrove, central Pennsylvania, with some property in unincorporated Snyder County and Montour County. Although the Selinsgrove area with its small-town feel and neighborly attitude has a relatively low crime rate, crime prevention remains a high priority within the campus community.

The university strives to ensure the safety of its students and employees through a dedicated Campus Safety office and a well-trained Residence Life staff, working together with an informed, aware, and alert campus community. Everyone shares the responsibility of making the university campus a safe place to study, work, and live.

Office Operations

The building that houses Campus Safety is located adjacent to the 18th Street Commons House and is the primary operations center for administrative, patrol and communications responsibilities. CSS provide 24-hours-per-day/365-day-per-year patrol coverage on foot, bicycle, golf cart and motor vehicle.

Security Cameras

Campus Safety uses closed circuit television cameras for investigative purposes in common areas and major thoroughfares on campus. Additional cameras are being continually updated and added to the system. The cameras are available for investigation, 24 hours/day by the on-duty Campus Safety staff.

Blue Light Emergency Phones and Blue Dot Phones

The campus has deployed blue light emergency phones that connect directly to Campus Safety for emergency assistance in the following campus parking lots/locations. These are checked regularly to ensure they are in working order.

- ▶ Admission Parking Lot
- ▶ Sassafras/First-Year Student Parking Lot
- ▶ Student Health Center Parking Lot
- ▶ Blough-Weis Library Parking Lot
- ▶ Sassafras Rugby Field
- ▶ 18th Street Commons (New Orleans building)
- ▶ Counseling & Psychological Services Parking Area
- ▶ Hillel House (406 University Avenue)
- ▶ 301 University Avenue
- ▶ 313 University Avenue
- ▶ Kurtz Lane

The university has identified over 90 nonemergency phones located on campus, located in various buildings and common areas, which can also be used to contact Campus Safety. These phones are identified by a blue circular reflective sticker (“blue dot”) on the faceplate or other prominent area of the phone. In 2021, 20 of these phones were upgraded with an illuminated blue light above them to enhance visibility and safety for our campus community.

Building Security and Access Control

It is the policy of Susquehanna University Campus Safety to provide the members of the university community with a safe and secure environment to work and learn by ensuring access to specific buildings is limited to authorized individuals. Most buildings on campus can be locked down remotely from the Campus Safety Office if an emergency situation arises.

Residential Buildings

Residential student housing at Susquehanna University includes 37 residence halls with occupancy of 16 to 280 students, and 14 houses with occupancy of 4 to 13 students. The houses are used by sophomore, junior, and senior students involved in special projects, sororities, and fraternities. First-year housing includes four buildings, which are coed by wing, floor, or room. Upper-level housing is coed by wing, floor, or suite. Students must receive a housing exemption through the Director of Residence Life to live off campus. The university does not provide housing for married students or students with other family members.

Access to 23 on-campus residence halls is restricted by keyless (electronic swipe card) entry for which authorization is required. These halls can be monitored by Campus Safety and are locked 24 hours a day, except for two buildings, Scholars House and Seibert Hall, which have academic facilities and residence facilities. This changes the security of those two buildings because more people have access to space directly outside the living area. However, the residential portions of these two buildings remain separately secure. Also, nine of the keyless-entry residence halls have classroom facilities or multifunction spaces: Smith, North, Aspen, Laurel, Elm, Willow, Tamarack, Linden, and Hawthorn. Students who attend classes in or use those spaces but do not live in those nine residence halls are given limited access to the building via their university identification card. Campus Safety Specialists conduct specific building checks during their tours of campus. Students assigned to the 28 residence halls where keyless entry is not available are issued both an outside door key and a room key. These residence halls are: 101 Liberty Alley, 300 University Avenue, 301 University Avenue, 305 University Avenue, 307 University Avenue, 309 University Avenue, 310 University Avenue, 312 University Avenue, 313 University Avenue, 401 University Avenue,

402 University Avenue, 403 University Avenue, 405 University Avenue, 520 University Avenue, 600 University Avenue, Kathmandu, Granada, Hong Kong, Jakarta, Lima, Montreal, New Orleans, Alice Springs, Buenos Aires, Cape Town, Dakar, Edinburgh and Florence halls.

In addition to the university staff who live in the residence halls, several university staff live on the campus including: the Director of Residence Life, Assistant Director of Residence Life, Residence Life Area Coordinators, Director of Leadership and Engagement, Associate Director of Leadership and Engagement, Facilities Operations Coordinator, and Director of Violence Prevention.

The Residence Life staff receive training on master key protocols, room change key protocols, and general key security. In addition, Campus Safety Specialists are on duty 24 hours a day, conducting routine vehicle and foot patrols of the campus. Hall meetings are held regularly in communities to inform residents about housing security and enforcement procedures.

All guests in residence halls must be accompanied by a student host and are subject to university regulations. The host is responsible for the behavior and any damage caused by their guests. Except for guests sponsored by the university, overnight guests are permitted to stay for a maximum of two nights within a 14-day period. If a roommate objects to the presence of an overnight guest, that guest may not spend the night. Overnight guests must obtain a temporary pass from Campus Safety or the sponsoring department.

Campus Access Policy

During normal business hours, the university campus (and certain nonresidential buildings) is open to students, employees and visitors. However, access to some buildings may be restricted to authorized faculty, staff, and students using identification cards with electronic access capabilities or keys.

Security Considerations in the Maintenance of Campus Facilities

Susquehanna University is committed to providing a physically safe and secure environment for the community. Sidewalks are designed to provide well-lighted routes from parking areas to buildings and from building to building. Computer hardware and software has been integrated into building security and fire alarm systems. Facilities Management is the primary department tasked with the maintenance of university grounds and buildings, while Information Technology is the department responsible for security related software systems in conjunction with technology vendors.

During routine patrol by foot, bicycle, golf cart, and motor vehicle, Campus Safety Specialists are directed to be observant for issues related to safety and security and submit work orders for routine repairs. An on-call system for emergency repairs is in place to address any life safety security concerns after normal business hours.

Personal Safety Information

- ▶ Be certain residence hall doors are closed and locked when entering and leaving. Do not prop doors open at any time and do not leave rooms unlocked at any time.
- ▶ Consider walking with a buddy at night to secluded campus areas. Be careful about walking after dark in semi-lit places. Stay on walks and established paths.
- ▶ Have your keys or ID ready to avoid being caught off guard in potentially vulnerable spaces.
- ▶ Consider locking your car doors once you enter the vehicle and avoid leaving windows down when stopped or parked.
- ▶ Make sure you keep your doors locked as soon as you exit your vehicle when leaving it for any period of time.
- ▶ It is not advised to hitchhike or pick up hitchhikers. Avoid stopping at out-of-the-way or poorly lit places.
- ▶ If you think you are being followed by another vehicle, stop at a well-lit business where there are lots of people and sound the horn. Do not attempt to get out of the vehicle until you are sure it is safe.
- ▶ If your car breaks down and someone stops to assist you, remain in the locked vehicle, tell the person you've already called for assistance, and they are on their way. Do not accept a ride from someone you do not know.
- ▶ Park in well-lit places. Store valuables and packages out of sight in a locked trunk or glove compartment.
- ▶ Always accompany your guest, so that unidentified persons will not be wandering around campus.
- ▶ Report all strangers or suspicious activities to Campus Safety by telephone or in person. Trust your instincts — if something doesn't seem right, speak up.
- ▶ Report in a timely manner to Campus Safety anyone who is very sick or injured on campus and needs assistance. The sooner Campus Safety knows, the sooner the individual can be helped.

- ▶ Report any crime you are a victim of or a witness to, or any suspicious person loitering on campus, in parking lots, or in any building to Campus Safety.
- ▶ Trust should be earned. New friends may not always have your back or be looking out for your best intentions.
- ▶ It's okay to lie if you need to exit a situation quickly and are concerned about upsetting or frightening someone. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured or threatened.
- ▶ Party smarter. If you didn't open your drink or make it, you don't know what's in it. Keep open drinks with you and any unattended drinks should be tossed out.
- ▶ Contact Campus Safety if you are feeling unsafe and need an escort from anywhere on campus back to your residence hall. Campus Safety escorts are available anytime.

Community Interaction

Members of Campus Safety are involved in a variety of activities within the campus community, in both official and unofficial capacities, to further support the university's educational and community-oriented goals. Every encounter between a university community member or visitor to our campus and a CSS is an educational opportunity.

Members strive to make all encounters positive. However, when situations arise that require the intervention of a CSS, part of the resolution process is explaining the nature of university policies and referring infractions to university administrators for resolution.

HOW TO REPORT A CRIME OR OTHER EMERGENCY

Crime victims and community members are encouraged to report criminal activity, hate/bias motivated incidents, and suspicious persons promptly and accurately to Campus Safety (or local police) when the victim of a crime elects to, or is unable to, make such a report. Campus Safety can be reached by calling 570-372-4444. Selinsgrove Borough Police Department is available at 570-374-8655. For emergency services, dial 911.

Campus Safety will investigate all reports and initiate the appropriate emergency response or recovery procedures. All persons on campus may request the SPD to initiate a criminal investigation of alleged criminal acts. Campus Safety can coordinate this request, if necessary.

Prompt reporting will assist Campus Safety in providing timely warnings, emergency notifications and timely disclosure of crime statistics to the campus community.

TYPES OF REPORTABLE CRIMINAL OFFENSES

Reportable offense definitions are consistent with the FBI's Uniform Crime Reporting (UCR) Program. The offenses defined in the UCR that are relevant to Clery statistics are: Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying/Possessing Violations, Drug Abuse Violations, Liquor Law Violations. The definitions of Fondling, Incest and Statutory Rape can be found in the FBI's National Incident-Based Reporting System (NIBRS). For Categories of Domestic Violence, Dating Violence, Sexual Assault and Stalking (DVDVSAS) are provided in the Violence Against Women Act of 1994.

Hate Crimes are counted as statistic if evidence suggests that the victim was intentionally selected because of the perpetrator's bias against the victim. The bias categories covered under Hate Crimes are, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin and Disability. Definitions can be found in the UCR Hate Crimes Data Collection and Training manual. Hate Crimes include these offenses motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation and Destruction/Damage/Vandalism of Property. These statistics are counted if the perception of the offender, not the victim, indicates bias.

CLERY CRIME STATISTICS

Annual Disclosure of Crime Statistics, Explanations and Terms

The statistics in this section are compiled from all incidents reported to Campus Safety, incidents reported to Campus Security Authorities, as well as any reported to law enforcement agencies with concurrent jurisdiction on campus and non-campus university property. Statistics for this report were reviewed by the Pennsylvania State Police and Borough of Selinsgrove Police Department.

These statistics may include crimes that have occurred in private residences, businesses and on public property in a geographically defined area which surrounds the college campus. Copies of the crime statistics may also be obtained at Campus Safety located in 18th Street Commons.

As noted in various sections of this report, the university prohibits criminal behavior and a host of behaviors that affect the quality of life for students, faculty and/or staff. However, the table only lists those crimes specified to be reported under the Clery Act.

Definitions of Clery Act Crimes and Other Terminology

To aid in the understanding of the crimes reported in this document, following definitions are provided:

- ▶ **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- ▶ **Arrests:** Persons processed by arrest, citation, or summons.
- ▶ **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle, aircraft, personal property of another, etc.
- ▶ **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- ▶ **Dating Violence:** Violence committed by a person — (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined by the reporting party's statement and based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship. (Dating Violence is not defined by Pennsylvania state statute.)
- ▶ **Domestic Violence:** A felony or misdemeanor crime of violence committed —
 - By a current or former spouse or intimate partner 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 or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
 - 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 in which the crime of violence occurred.
 (Pennsylvania Domestic Violence Law: Domestic Violence is not specifically defined by Pennsylvania statute. It includes 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 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 laws of the Commonwealth of Pennsylvania, 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.)
- ▶ **Drug Law Violation:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. This includes the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

- ▶ **Hate Crime:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability. Hate Crimes include any of the following offenses that are motivated by bias:
 - Murder/Non-negligent Manslaughter (as defined above)
 - Sexual Assault (as defined above)
 - Robbery (as defined above)
 - Aggravated Assault (as defined above)
 - Burglary (as defined above)
 - Motor Vehicle Theft (as defined above)
 - Arson (as defined above)
 - Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR). Constructive possession is the condition in which a person does not have physical custody or possession but is able to exercise dominion or control over an item.)
 - Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury such as apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
 - Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to a physical attack.
 - Destruction/Damage/Vandalism of Property: To destroy willfully or maliciously, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- ▶ **Illegal Weapons Violation** (carrying, possessing, etc.): The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
- ▶ **Liquor Law Violation:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
- ▶ **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
- ▶ **Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- ▶ **Negligent Manslaughter:** The killing of another person through gross negligence.
- ▶ **Referral:** The referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction.
- ▶ **Robbery:** The taking, or attempt to take, anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or putting the victim in fear.
- ▶ **Sexual Assault:** Any sexual act directed against another person without consent of the victim, including instances where the victim is incapable of giving consent. This category includes the following:
 - Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object.
 - Fondling: The touching of the private body parts of another person for sexual gratification without their consent, including instances where the victim is incapable of giving consent due to age or temporary or permanent mental or physical incapacity.
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
- ▶ **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

Collection of Data

The data on reportable offenses comes from several sources. The primary source is incident reports (IR) created by Campus Safety. The Clery Compliance Officer (CCO) audits all IRs and creates an audit trail of all reportable offenses that are reported to Campus Safety.

Another primary source is IRs created for Student Conduct violations. While many times these IRs coincide, there are times when offenses will be reported in one software and not the other. The CCO audits these IRs as well and cross-references the data to be sure that crimes are being reported accurately.

A secondary source for data collection is information gathered from local Law Enforcement Agencies. The CCO sends letters to local authorities for all jurisdictions that are included in Susquehanna's Clery geography asking them to provide any information regarding crimes that are reported to them within Susquehanna's geography.

Voluntary, Confidential Reporting Procedures for Inclusion in this Report

Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics contained in this Report. Confidential means that the person making the report will not be required to disclose their name. With such information, the university can keep an accurate record of the number of incidents affecting the campus community, determine if there is a pattern of crime regarding a particular location, method or assailant, and alert the campus community to potential danger. Please be aware that incidents reported anonymously may limit the university's ability to respond effectively. Voluntary, confidential reports of criminal incidents can be forwarded to this anonymous reporting form at <https://susqu.wufoo.com/forms/anonymous-tips> or by phone at 570-372-4444.

SUSQUEHANNA UNIVERSITY CAMPUS SECURITY AUTHORITIES

In accordance with the Clery Act, Susquehanna University also collects and discloses statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the university identified as a “Campus Security Authority.”

Campus Security Authorities are non-law enforcement individuals who have significant responsibility for student and campus activities, and who by the very nature of their significant roles, responsibilities or job title, may reasonably be identified by students and employees as officials or authorities to whom crime should be reported.

In recognizing that some students or employees are more comfortable or more inclined to report crime to someone other than the police, individuals are encouraged to report to Campus Safety or the following campus offices/officials designated by the university as Campus Security Authorities:

Division of Academics

Provost & Deans of the Faculty	570-372-4127
Staff of the Center for Academic Success	570-372-4341
Staff of the Career Development Center	570-372-4481

All faculty who are advisors to student organizations

Division of Student Life

Vice President for Student Life and Dean of Students	570-372-4415
Assistant Vice President for Student Life	570-372-4490
Staff of the Residence Life Office	570-372-4133
All Student Resident Assistants and Lead Resident Assistants in residence halls	
Staff of the Leadership & Engagement Office	570-372-4227
All staff who are advisors to student organizations	
Director of Student Health Center	570-372-4370
Dean of Health & Wellness and Director of Counseling & Psychological Services	570-372-4751
Licensed Counseling Staff*	570-372-4751
Campus Safety Office	570-372-4444
Director of Violence Prevention	570-372-4063
Director of Title IX Compliance	570-372-4321

Athletics

Director of Athletics	570-372-4272
All Coaches, Assistant Coaches, Trainers and Support Staff	570-372-4272

Human Resources

Chief Human Resources Officer	570-372-4157
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President's Office/Senior Staff

University President	570-372-4130
Chief of Staff	570-372-4025
Vice President for Operations	570-372-4136
Vice President for Finance	570-372-4128
Chief Inclusion & Diversity Officer	570-372-4018

Division of Access, Equity & Belonging

Chief Inclusion & Diversity Officer	570-372-4734
Assistant Director of Inclusion & Diversity	570-372-4590
Senior Director of Inclusion & Diversity	570-372-4032

*Licensed counseling staff are NOT CSAs, see section entitled Clery Policy Statement Addressing Counselors.

SUSQUEHANNA UNIVERSITY 2021-2023 CLERY CRIME STATISTICS												
CRIMINAL OFFENSES	On-Campus			On-Campus Student Housing			Non-Campus			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses: Rape	7	6	1	7	6	1	0	0	0	0	0	0
Sex Offenses: Fondling	11	7	5	7	5	4	0	0	0	1	0	0
Sex Offenses: Incest	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses: Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	1	0	0	0	0	0	0
Burglary	3	1	0	2	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	1	0	0	1	0	0	0	0	0	0
Dating Violence	8	3	9	6	3	7	0	0	0	0	0	0
Stalking	16	5	1	7	2	1	0	0	0	0	0	0
ARRESTS/REFERRALS: SELECT OFFENSES	On-Campus			On-Campus Student Housing			Non-Campus			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Illegal Weapons Violation: Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Violation: Referral	1	2	0	1	2	0	0	0	0	0	0	0
Drug Law Violations: Arrest	2	6	3	0	3	3	0	0	0	0	0	0
Drug Law Violations: Referral	19	18	49	19	18	47	0	0	0	0	0	0
Liquor Law Violation: Arrest	1	1	0	1	0	0	0	0	0	0	0	0
Liquor Law Violation: Referral	123	70	74	123	65	71	0	0	0	2	0	0

(continued)

SUSQUEHANNA UNIVERSITY 2021-2023 CLERY CRIME STATISTICS												
CRIMINAL OFFENSES AS HATE CRIMES	On-Campus			On-Campus Student Housing			Non-Campus			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses: Rape	0	1	0	0	1	0	0	0	0	0	0	0
Sex Offenses: Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses: Incest	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses: Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	1	3	0	0	0	0	0	0	0	0	3
Destruction/Damage/Vandalism	0	3	0	0	3	0	0	0	0	0	0	0
Larceny: Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
HATE CRIMES BY PREJUDICES	On-Campus			On-Campus Student Housing			Non-Campus			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Race	2	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	3	1	0	3	0	0	0	0	0	0	1
Gender	0	0	0	0	0	0	0	0	0	0	0	0
Gender Identity	0	2	2	0	1	0	0	0	0	0	0	2
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0

Compilation of statistics from: Susquehanna University Campus Safety, Susquehanna University Residence Life Office, Susquehanna University Title IX Compliance Director, Susquehanna University Campus Security Authorities, Selinsgrove Borough Police, State Police – Selinsgrove, State Police – Milton, Snyder, Union, Northumberland and Montour County Sheriffs offices

Clery Policy Statement Addressing Counselors

Campus “Pastoral Counselors” and campus “Professional Counselors,” when acting as such, are not considered to be a campus security authority, and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary/confidential basis for inclusion into the annual crime statistics. These counselors are defined as:

- ▶ Pastoral Counselor is an employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as pastoral counselor. Contact information for Susquehanna University is:
 - Director of Religious & Spiritual Life and Chaplain, Weber Chapel, 570-372-4220, religiousandspiritualife@susqu.edu
 - Director of Jewish Life, Hillel House, 570-372-4303, religiousandspiritualife@susqu.edu
- ▶ Professional Counselor is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of their license or certification. Contact information for Susquehanna University is:
 - Counseling & Psychological Services, 606 University Avenue, Selinsgrove, PA 17870
570-372-4751 (After hours, dial number and select option 2 to be connected to an on-call counselor.)
counseling@susqu.edu

AVAILABILITY OF ADDITIONAL INFORMATION

Crime of Violence

Susquehanna University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased because of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Sex Offender Registration Information

Persons seeking to obtain sex offender registration information may visit the Pennsylvania State Police Megan’s Law website at pameganslaw.state.pa.us.

Daily Crime/Fire Log

Any individual who is interested may come to Campus Safety and request to see the Daily Crime/Fire Log which provides information of all criminal incidents and alleged criminal incidents reported to Campus Safety. The log has the last 60 days of incidents. It includes the nature of the incident, case number, date and time reported, date/time occurred, general location, and disposition. This log does not include any personally identifiable information of victims or suspects.

Emergency Procedures

Emergency procedures have been established for the Susquehanna University campus. Anytime that an emergency occurs, the first step is to contact Campus Safety at x4444 or 911.

Active Shooter

The campus community will be notified to evacuate, lock down, or establish a shelter in place. Report your specific location, estimated number of people at your location, injuries and describe assailant. The campus community will be contacted as prudent depending on the situation. Do not leave the area until authorized by emergency personnel.

Fire

Evacuate the building taking only those personal items that are easily accessible and portable. Do not use elevators. Close all doors behind you when leaving and leave by the nearest exit. Call emergency personnel once you have evacuated and provide as much detail as possible.

Tornado or Severe Weather

Immediately seek shelter in the lowest level of the building, putting as many walls and doors in between you and the outdoors as possible. If outside go to the nearest building and shelter in place.

Medical Emergency

Call 911 or Campus Safety and provide your name, location, and a description of the medical emergency staying on the line until emergency responders arrive. AED and Mass Casualty Kits are available throughout campus. A list of locations can be found on *myNest*. These stations also contain naloxone (Narcan) nasal spray for emergencies known to be caused by an opioid overdose.

Suspicious Behavior

Do not physically confront anyone exhibiting suspicious behavior. Do not let anyone into a locked building or attempt to block a person's access to an exit. Call Campus Safety to report any suspicious behavior.

Public Address/Warning Siren

The Susquehanna University public address system has seven audible alert tones. Five of these are high/lo siren tones indicating an initial alert, tornado, chemical release, person with a weapon and a public address announcement. A wail siren indicates all clear. A whoop siren indicates a test message of Susquehanna's emergency notification system.

SMS – Short Message System

Susquehanna has an emergency notification system that will provide alerts to anyone subscribed to the service. This service allows for text, email, and phone messages as necessary to keep the campus community abreast of any emergency.

PROCEDURES FOR TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The university assesses its emergency response plans and systems each year through scheduled drills and exercises, along with follow-up activities designed for assessment and evaluation of emergency plans and capabilities. In conjunction with other emergency agencies, the university conducts emergency response drills and exercises each year such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus.

These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Once each semester (fall and spring), an announced evacuation drill is scheduled for all residential locations, in conjunction with fire drills, to evaluate the residents' ability to exit the building safely and efficiently. This also provides Campus Safety Specialists with an opportunity to practice building clearance. These drills are publicized by sign placement in specific buildings and covered in meetings by Resident Assistants.

Once per calendar year, an announced evacuation drill is scheduled for all administrative/academic buildings in conjunction with fire drills to evaluate the ability for occupants to exit the building in a safe and efficient manner and allow Campus Safety Specialists the opportunity to practice building clearance. These are publicized through email to designated emergency coordinators in each building.

Each drill is documented noting a description of the exercise, the date, time and whether it was announced or unannounced.

TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS**Timely Warnings**

In compliance with the Clery Act, the university will make every reasonable effort to issue a timely warning to the campus community regarding Clery Act crimes that are reported to Campus Security Authorities and are a serious or on-going threat to the safety or health of students and employees.

The Assistant Vice President (AVP) for Facilities and Campus Safety has the primary responsibility for issuing, or causing to be issued, timely warnings. The AVP or designee will confer with the Vice President for Student Life and Dean of Students and/or other members of the Crisis Management Team (CMT), including, but not limited, to the Vice President for Marketing & Communications, to evaluate the pertinent information available at that time related to reported criminal activity.

Once a determination has been made that a timely warning is required, a Timely Warning Notice will be prepared containing information about the nature of the potential risks to allow members of the campus to take the appropriate action(s) to protect themselves. The notice may include:

- ▶ A brief description of the incident and type of crime including location, date and time of occurrence.
- ▶ Possible connection to previous incidents.
- ▶ Physical description of the suspect(s).
- ▶ Composite drawing or photograph of the suspect, and other relevant and pertinent information such as weapons involved.
- ▶ Safety tips and locations or areas to avoid, if appropriate.
- ▶ Date and time the warning was released.

The university will make every effort not to release personally identifying information, or information that would jeopardize law enforcement efforts while still providing enough detail for community members to make safety decisions considering the danger.

To protect the privacy of victims of crime, Campus Safety does not release the identity of the reporter.

Based on the type of criminal activity facing the community, timely warnings may be disseminated by the most expedient methods to ensure individuals have adequate time to prepare for or react to the situation. Dissemination methods may include:

- ▶ University-wide email;
- ▶ Susquehanna University text alert notification system;
- ▶ Posting on the Susquehanna University website, myNest, and/or social media outlets;
- ▶ Posting written warning notices around campus facilities and residence halls;
- ▶ Direct phone calls to designated personnel;
- ▶ Press releases.

Emergency Notifications

The university will provide emergency notification to the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The AVP or designee has the primary responsibility for issuing, or causing to be issued, emergency notifications. In determining whether there is a significant emergency or dangerous situation, the AVP or designee will evaluate the information on hand and the potential impact to the health and safety of the campus community.

Once it has been confirmed that an immediate threat to health or safety of students or employees occurring on the campus does exist, the AVP or designee will formulate an emergency notification that provides direction on how individuals should respond to the identified threat, e.g., go into full lockdown, shelter in place, or evacuate the campus.

The process used to determine the content of the notification will vary due to the complexity of the emergency. In most cases, the AVP or designee will evaluate the circumstances and provide specific content of the message to be sent. However, in extremely time sensitive situations, Communications Specialists have the authority to determine the content of the message themselves or use pre-determined language made available within the emergency notification software to aid in the speed of the notification. The AVP or designee may then clarify or update information in a subsequent message.

Based on the type of emergency or threat facing the community, emergency notifications may be disseminated by the most expedient methods to ensure individuals have time to prepare or react to the situation. Dissemination methods may include:

- ▶ Use of the Susquehanna University text alert notification system.
- ▶ Activation of the public address/warning sirens.
- ▶ Notifications broadcast on the SU FM radio station, WQSU (88.9)
- ▶ Posts on the university website, myNest, and social media outlets.
- ▶ Direct phone calls to designated personnel.
- ▶ University-wide email.

If the threat involves an immediate violent criminal threat or other non-natural incident, such as an armed gunman, active shooter on campus, or hazardous material spill, the emergency notifications will include the Snyder County 911 and/or other emergency services.

If deemed necessary, the University Marketing & Communications Office will coordinate notification to the outside community through radio, television or other means.

The emergency notifications will be disseminated continuously until the threat to the community is resolved. Once the incident is over or the threat no longer exists, an all-clear notification will be issued to the community through the means used to issue the emergency notification(s).

Policy Statements

Each year, all faculty, staff and student staff members are required to complete Learning Management System modules that provide substantial information regarding campus security procedures and practices. First-year students are also provided with instruction during orientation.

BYSTANDER INTERVENTION, RISK REDUCTION AND AFFIRMATIVE CONSENT

Bystander Intervention

Bystander Intervention involves two key steps: first, recognizing a potentially harmful situation or interaction, and second, choosing to respond in a way that could positively influence the outcome. The intervention can be carried out by one or multiple individuals to prevent harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking present. In the simplest terms, if you see something, say something.

Skills utilized in Bystander Intervention include:

- ▶ Recognizing potentially harmful situations.
- ▶ Understanding institutional structures and cultural conditions that facilitate violence.
- ▶ Overcoming barriers to intervening.
- ▶ Taking action to intervene.

We encourage our students to learn how to “Protect the Nest” by participating in our Green Dot program. Bystander intervention training plays a key role as part of a comprehensive strategy to reduce rates of violence and mobilize and empower all members of the community. Green Dots represent the positive actions, words, and other interventions performed by our campus community members to make our campus a safer place for all individuals. Green Dots can be proactive, preventing harm from occurring, or reactive, reducing harm after its initial recognition. The more campus community members who participate in our Green Dot training, the more widespread Green Dots become across our campus, fostering a campus culture of consent and respect.

Here are three strategies we most encourage for bystander intervention:

Direct

Examples include: “No, I don’t tolerate that kind of language.” “Stop, that [behavior] is not okay.” Directly calling attention that what is being said or done is unacceptable. This method is not recommended when alcohol or other substances are present.

Distract

Examples include: Turn on the lights, cut the music, create a commotion elsewhere in room, shout something unrelated.

Distracting the person who is potentially/actually causing harm to shift their attention away from the situation, can give the person who is the target of the harm a chance to get away.

Delegate

Examples include: Gather friends to go check in on someone who looks too intoxicated, asking the host of the party to step in, call Campus Safety, call an RA. Delegation is a useful intervention tactic that relies on tagging in backup resources based on: the type of situation, level of danger or your comfort in intervening.

What is Risk Reduction?

Risk reduction refers to tools, strategies, behaviors, or options that decrease perpetration and bystander inaction while promoting victim empowerment.

Our definition includes giving bystanders tools to overcome barriers that may keep them from intervening, so all tips provided are considered both bystander intervention and risk reduction. It is up to all of us at SU to “Protect the Nest” by looking out for one another and creating a safe environment that all our students and employees deserve.

Examples of Risk Reduction can include:

- ▶ Discussing individual barriers to intervention and creating safety/accountability plans to hold yourself and others accountable.
- ▶ Identifying who might help you delegate in a scenario.
- ▶ Discussing how to file an anonymous report.
- ▶ Practice and discuss intervention scenarios with friends and community members to become more comfortable with what to say and what to do in the moment.
- ▶ Identify an accountability buddy, so you can hold each other accountable to act if you see something.

Primary Prevention and Awareness

What's the difference between Primary Prevention and Awareness?

Primary Prevention programs are those that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur. These programs promote positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. In the descriptions of our programs below, you'll get a sense of what programs focus on these ideas and encourage you and your peers to intervene when appropriate.

Awareness Programs are community-wide (accessible to anyone) or audience-specific (targeted towards particular segments of our community, whether students or employees) and aim to increase knowledge, share information and resources, as well as promote safety and reduce perpetration. Our awareness programs may address primary prevention specifically but may also raise your own knowledge about these types of crimes and how they can impact a campus community.

Following is information on the variety of primary prevention, intervention, and awareness program opportunities we offer. For more information on some of these offerings, visit the VIP Center in the lower level of the Blough-Weis Library, speak with the director by calling 570-372-4063 or email vip@susqu.edu. Keep up to date with the VIP Center on Instagram @vipcenter_su.

PROGRAM NAME/DESCRIPTION	WHO IS IT FOR?	WHEN/HOW CAN I ACCESS IT?
<p>SEXUAL CITIZENSHIP, CONSENT & BOUNDARIES</p> <p>This program is dedicated to creating a safe environment for dialogue about healthy sexuality and sexual relations. It has been created so attendees feel empowered to start defining what they want and how best to effectively communicate that to future or current sexual partner(s). Audience members will go through a skill building workshop to establish communication styles and how best to assert and establish boundaries with a partner(s).</p>	<p>Students</p>	<p>By request for student groups and audiences.</p>
<p>HEALTHY RELATIONSHIPS</p> <p>An overview of the foundations of a healthy relationship including opportunities to practice communicating boundaries, defining equity, practicing gratitude, and determining how best to communicate most effectively in different situations of conflict.</p>	<p>Students</p>	<p>By request for student groups and audiences.</p>
<p>BREAKING UP IS HARD TO DO</p> <p>An overview of why breaking up is a natural and healthy occurrence in any kind of relationship. This program provides a focus on safety planning points to consider, tools for having breakup conversations, boundary setting before, during, and after the breakup conversation, post-breakup self-care, and resources for those who may be experiencing additional breakup obstacles due to an unhealthy or abusive relationship.</p>	<p>Students</p>	<p>By appointment for student groups and audiences.</p>
<p>DATE NIGHT</p> <p>Bring a friend or partner and spend time together over a free, three-course, meal discussing values and boundaries through guided conversation topics while building the skills to practice non-violent communication skills.</p>	<p>Students</p>	<p>Offered every month.</p>
<p>NAVIGATING RELATIONSHIPS</p> <p>Communication is hard. We'd like to make it easier! Each month we will be sponsoring an interactive communication workshop focused on a variety of themes. Partnering with different organizations across campus we would like to help you navigate difficult conversations you might have with your friends, partners, and family members. Topics include the role of alcohol and other substances, relationship labels, non-violent conflict resolution, coming out in a relationship, differing religious/spiritual beliefs and/or values, supporting a partner with mental illness, sexual racism and more.</p>	<p>Students</p>	<p>Offered every semester. Led by peer educators.</p>

PROGRAM NAME/DESCRIPTION	WHO IS IT FOR?	WHEN/HOW CAN I ACCESS IT?
<p>GREEN DOT</p> <p>Green Dot utilizes the spread of positive and helpful action to create a shift in campus culture to that of safety, accountability and support. When uncomfortable or dangerous situations arise, Green Dot gives individuals tools and strategies for bystanders to help in a way that feels comfortable and safe for them.</p>	<p>Faculty, Staff and Students</p>	<p>Offered twice a semester. Also available by appointment.</p>
<p>IPV PREVENTION + BYSTANDER INTERVENTION MODULE</p> <p>All incoming and sophomore students are required to take an interactive online module that scaffolds from year one to year two. This program is designed to help students identify warning signs and practice bystander intervention skills.</p>	<p>First-year and second-year students</p>	<p>Offered every August/September. Evaluation data is used to inform Welcome Week programming events and a yearly social norms campaign.</p>
<p>WELCOME WEEK PROGRAMS</p> <p>Each year Susquehanna University kicks off Welcome Week with an interactive theatre program and a Welcome Week speaker that is focused on healthy relationships and/or consent.</p>	<p>University Community</p>	<p>Offered every August/September.</p>
<p>SOCIAL NORMS CAMPAIGNS</p> <p>Data from our online modules is used to create passive programming to reset social norms related to bystander intervention by busting common myths about gender-based and sexual violence.</p>	<p>University Community</p>	<p>September/October</p>
<p>DOMESTIC VIOLENCE/SEXUAL VIOLENCE AWARENESS/ACTION MONTHS</p> <p>Every year our October and April programming offers numerous opportunities to learn about the span, impact and how to act against intimate partner violence. From pledge signing to interactive boards in Mellon Lounge to weekly conversations in the VIP Center and multiple opportunities to get trained in bystander intervention workshops, there are plenty of ways for students to get involved and raise their awareness regarding warning signs of relationship and sexual violence. Each action accumulates and students enter to win prizes.</p>	<p>University Community (online)</p>	<p>October and April</p>
<p>TAKE BACK THE NIGHT</p> <p>Culminating event of Sexual Assault Awareness Month. A safe gathering where students are free to speak their truth about how sexual violence has impacted their lives. Care is provided onsite through advocates, counselors, food, personal space and resources. Some iterations of this event include student performances, interactive tables, and activities to reclaim feeling safe at night.</p>	<p>University Community</p>	<p>April</p>

PROGRAM NAME/DESCRIPTION	WHO IS IT FOR?	WHEN/HOW CAN I ACCESS IT?
<p>ONELOVE FOUNDATION WORKSHOPS</p> <p>Workshops consist of a film viewing followed by a guided discussion lead by a trained facilitator. Workshops include: Escalation (Warning signs of dating violence), #BehindThePost (How violence can exist in the shadows of what is seen on social media), Love Labyrinth (How an abusive relationship can feel like being trapped in a maze), and MVP (How healthy and unhealthy behaviors impact people in any kind of relationship).</p>	<p>Students</p>	<p>Offered once per semester.</p> <p>Available by appointment for student groups and audiences.</p>
<p>THE MASK YOU LIVE IN</p> <p>This film explores how our culture’s narrow definition of masculinity is harming our boys, men and society at large and unveils what we can do about it. Using the film curriculum, we will lead masculinity forums across campus.</p>	<p>University Community</p>	<p>Offered once per semester.</p>

What Is Affirmative Consent?

Affirmative consent is a conscious, voluntary, mutual, and enthusiastic agreement to engage in sexual activity. This value is baked into each of our programming pieces to provide students with ample opportunities to practice this life skill.

To have affirmative consent five essential elements (F.R.I.E.S.) must be present:

- ▶ Freely Given – Without coercion or conditions put on the answer.
- ▶ Reversible – Can be revoked at any time.
- ▶ Informed – Without incapacitation or impairment.
- ▶ Enthusiastic – Clear and unambiguous answer.
- ▶ Specific – Details of the ask (what/how) are clear.

As you can see from some of the tips and information we have included, we stress in our programming that consent is essential and to always respect another individual's boundaries, especially when engaging in sexual activity, not pressuring others to consume alcohol or any other harmful behaviors, reinforcing resources within the community to access safe rides or other safety support.

STATEMENT ON PROHIBITION OF DISCRIMINATION AND HARASSMENT

Susquehanna University is committed to fostering a living, learning and working environment free of discrimination and harassment. The university is subject to Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §§1681, et seq., which states that "[n]o 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." Susquehanna University does not discriminate on the basis of sex and will not tolerate sexual misconduct in any form, including as defined by Title IX, Susquehanna University's community standards or other university policies.

ALCOHOL AND DRUG POLICY

Susquehanna University is committed to the education of students when it comes to drugs and the legal, safe and responsible use of alcohol. The misuse, abuse or illegal use of alcohol and other drugs — on- or off-campus — including behaviors that allow underage drinking or promote excessive consumption of alcohol, are prohibited, and will be addressed through the Student Conduct System or Human Resources if brought to the attention of university officials.

The university abides by all federal and state drug laws and all federal, state, and local laws relating to alcohol. Individuals may be accountable in criminal, civil and university jurisdictions for acts that constitute violations of state, federal and local laws. Susquehanna will cooperate with all agencies responsible for the enforcement of federal, state and local laws concerning drugs and alcohol.

The university, by this policy, assumes no culpability for the behavior of any individual student with respect to their use or non-use of drugs and alcoholic beverages or for the results or consequences of their conduct and hereby disclaims such responsibility. In accordance with the intentions of the Higher Education Amendments of 1998, Susquehanna University reserves the right to inform the parents or legal guardians of students under 21 who have violated laws on the use or possession of alcohol or drugs.

The university prohibits the use, possession and sale of illegal drugs. The university prohibits the sale of alcohol. Students who are twenty-one (21) years of age or older may possess, for their own use, and/or consume alcoholic beverages in the privacy of their own rooms or the privacy of a residence hall room of other twenty-one (21) year olds. All persons assigned to live in a residence hall room must be twenty-one (21) years of age or older for the room to contain alcohol. Alcohol may not be stored or consumed in common areas of residence halls. Students who are under the age of 21 may not be present in-residence hall rooms where there is alcohol.

Alcohol is not permitted in other campus buildings or outdoors unless associated with an approved campus event. All events with alcohol present must be approved by a member of the president's senior leadership team or designee.

Any university department wishing to have alcohol present at an event must follow appropriate procedures through Events Management.

Student organizations wishing to have alcohol present at an event must follow the guidelines in the Social Event Policy (susqu.edu/about-susquehanna/policies-disclosures-and-consumer-information/policies/social-event-policy). Student activities allocations may not be used for the purchase of alcoholic beverages.

Student tailgating is permitted for home athletic games and must be registered appropriately through Events Management and the Leadership & Engagement Office.

Drug and Alcohol Abuse Programs

The university provides programs for both students and employees regarding drug and alcohol abuse. Alcohol Edu is a program open to first-year students. It is an interactive online program that incorporates the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to reflect on and consider changing their drinking and drug habits. Drug Free Workplace is a training module for all faculty and staff which provides education about drug and alcohol abuse in the workplace. It reviews the Drug Free Workplace Act, provides education on the signs of substance abuse and addiction and informs employees about their role in fighting substance abuse on the job.

MISSING STUDENT POLICY

The purpose of this policy is to establish a framework for cooperation among members of the university community aimed at locating and assisting students who are reported missing. A student shall be deemed missing when absent from the university for more than 24 hours without a known reason. All reports of missing students should be made to one of the following:

- ▶ Campus Safety: 570-372-4444
- ▶ Vice President for Student Life and Dean of Students: 570-372-4415
- ▶ On-call professional Student Life staff member: 570-765-8968

All reports of missing students made to someone other than Campus Safety shall be immediately referred to Campus Safety at 570-372-4444, which shall investigate each report and determine whether the student is missing in accordance with this policy.

Every student living in on-campus student housing, regardless of age, shall have the opportunity to identify one or more persons to be contacted by the university in case a student is determined to be missing. This contact is for missing person purposes only and may be different from the person selected as the student's general emergency contact. General emergency contact information and missing persons contact information are kept separate, even if the student registers the same contact for both purposes. Students electing to provide a contact for missing person(s) purposes must provide this information to the Vice President for Student Life and Dean of Students in writing or by phone at 570-372-4139 or by using the online form located on *myNest*, Safety, Contact and Emergency Info Update, student information update. Students are offered this option each year, regardless of whether the student has identified contact persons in previous years. Contact information will be registered confidentially, accessible only to authorized campus officials and will not be disclosed to external parties except law enforcement personnel in furtherance of a missing person investigation.

If a missing student is under eighteen (18) years of age and not emancipated, Campus Safety will notify a custodial parent or guardian of the missing student (in addition to notifying any additional contact person designated by the student) not later than 24 hours after the determination by Campus Safety that the student is missing.

Campus Safety will also notify the Selinsgrove Borough Police Department not later than 24 hours after it determines that the student is missing, unless the Selinsgrove Police Department was the entity that made the determination that the student was missing.

Missing Student Procedures

Any report of a missing student, from whatever source, should immediately be referred to Campus Safety. When a student is reported missing, Campus Safety shall:

- ▶ Initiate an investigation to determine the validity of the missing person report.
- ▶ Contact AVP for Facilities and Campus Safety or designee.
- ▶ Contact the on-call professional Student Life staff member.
- ▶ Contact the Vice President for Student Life and Dean of Students.
- ▶ Determine the status of the missing student. The official determination that the student is missing can be made at any time by Campus Safety or by the Selinsgrove Police Department.
- ▶ Notify the individual designated by the missing student as the missing persons contact within 24 hours of making the determination that the student is missing. If the student has identified multiple contacts, they will be contacted in an order determined by Campus Safety.

- ▶ If the student registered multiple contact persons and first person contacted confirms that the student is not missing, Campus Safety will contact each additional contact person in turn unless the student in question is contacted by or contacts Campus Safety.
- ▶ Campus Safety will document attempts to contact the named individual(s) requested as contact persons.
- ▶ If the missing student is under the age of 18 and is not emancipated, Campus Safety will notify the student's custodial parent or guardian as contained in the records of the university within 24 hours of the determination that the student is missing.
- ▶ Notify the Selinsgrove Borough Police Department within 24 hours after determining that the student is missing. This notification will be made even if the missing student has not registered a designated contact person, is above the age of 18, or is an emancipated minor.
- ▶ Once the missing student is located, all previously notified individuals will be updated as appropriate.

DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

Interpersonal violence prevention and education cannot exist in a void. How we develop and construct our social lives including our norms, beliefs, expectations, boundaries, and communication skills all affect and intertwine with our culture's understanding of sexual misconduct and gender-based violence. In order to dismantle these scripts our approach must be multi-faceted.

By understanding the culture, we aim to meet our campus community where they are. We offer an array of prevention programming to engage students, faculty and staff to examine their lives and increase their understanding of accountability and care for others. The university's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for the campus community (students and employees) that:

- ▶ Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- ▶ Defines domestic violence, dating violence, sexual assault, and stalking including how those terms are defined in the Commonwealth of Pennsylvania;
- ▶ Defines what behavior and actions constitute consent to sexual activity in the Commonwealth of Pennsylvania;
- ▶ Provides 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 the bystander;
- ▶ Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to minimize the risk of potential attacks.
- ▶ All of Susquehanna University athletes and first-year students receive preventative education programming. A list of our primary prevention programs and awareness programs can be found at susqu.edu/campus-life/student-safety/prevention.

Employee Training

As a result of Act 104 from November 17, 2010 from the Department of Education, which added Article XX-G, "Sexual Violence Education at Institutions for Higher Education" to the Public School Code, as well as the Violence Against Women Reauthorization Act of 2022, the university offers mandatory annual programs for all employees. These programs include, but are not limited to the following topics:

- ▶ Discussion of sexual misconduct and gender-based violence;
- ▶ Discussion of consent;
- ▶ Discussion of drug and alcohol-facilitated sexual misconduct and gender-based violence;
- ▶ Information on where/how to get assistance, including the importance of medical treatment and evidence collection, and how to report sexual violence to campus authorities or local law enforcement;
- ▶ An explanation of the definitions of sexual misconduct and gender-based violence;
- ▶ Safe and positive options for bystander intervention;
- ▶ Information on recognizing warning signs of abusive behaviors;
- ▶ Procedures for pursuing institutional disciplinary action in cases of alleged sexual misconduct and gender-based violence;
- ▶ Information about how the university works to protect the confidentiality of students and employees;
- ▶ Explanation of available on and off-campus resources for students, faculty and staff.

Public Awareness Events

The university recognizes, along with the Office of Civil Rights (OCR), that public awareness events and education programs are best served by a higher level of confidentiality. The university wants students to feel free to participate in preventative education programs and access resources. Therefore, public awareness events such as "Take Back the Night" or other forums which students disclose experiences of sexual misconduct and gender-based violence are not considered notice to the university for the purpose of triggering an individual investigation unless the individual initiates a complaint.

Our consolidated Title IX, Bias, Harassment, and Discrimination Policy which governs university Title IX response after August 1, 2024 can be found on page 51. Our Policy and Procedures for Addressing Sex and Gender-Based Discrimination and Harassment which governed university Title IX response before August 1, 2024 can be found on page 81.

TITLE IX PROCESS – FOR INCIDENTS OCCURRING PRIOR TO AUGUST 1, 2024

Any person at the university is encouraged to report conduct constituting possible Prohibited Conduct by: (a) reporting directly to the Title IX Coordinator, Deputy Title IX Coordinator(s) or any other Official with Authority as defined in Section IX(D) in person, by mail, by telephone or by email, or (b) completing the online reporting form available at susqu.edu/title-ix.

Because reporting carries no obligation to initiate a formal response, and because the university respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the university to discuss and/or provide supportive measures. A Complainant is not required to submit a Formal Complaint to receive Supportive Measures.

Although in the immediate aftermath of an incident, an individual may not be interested in reporting the incident to the university or in pressing criminal charges, preserving evidence immediately can be vital to a successful investigation in the future if an individual decides to move forward with a civil, criminal or university conduct case or seeks a protective order. This information is also provided in writing after a report has been made to the university. Here are some tips on preserving evidence:

- ▶ Avoid any of the following before seeking medical attention: showering, bathing, douching, brushing of teeth, going to the bathroom, drinking and/or change of clothing.
- ▶ Similarly, any clothing, towels or bedding should remain untouched pending collection by law enforcement.
- ▶ If an individual has any bruising or injuries, they should take photos of the bruising with a camera and document the date and time of the photograph (cell phones automatically do this). If an individual goes to the hospital, they can do this as it is deemed necessary.
- ▶ Document the harassment, abuse or stalking behavior by logging details, dates and times of incidents.
- ▶ Save any voicemails, screenshots of text messages and social media posts, etc.
- ▶ Collect and/or call Campus Safety to collect any trinkets, notes, gifts, etc. that someone may have left for you to find.
- ▶ Record the names of any witnesses.

Off-Campus Police Services

Off-campus police services are available from the local borough and state police.

Anyone has the option to report to, or decline to report to, the university and local law enforcement: Although the university strongly encourages prompt reporting of conduct that may violate this Policy, individuals have the option of reporting to (a) local law enforcement; (b) the university, including Campus Safety; (c) both (a) and (b); or (d) none of the above. This means that individuals have the right to decline to notify the university or law enforcement officials.

If you want to notify local law enforcement, the university can assist you in notifying those authorities: If an individual wants to notify local law enforcement, then the university will, upon request, help that individual make a report to local law enforcement. A report to local law enforcement is separate from a report to the university.

Confidentiality

Susquehanna University respects the privacy of individuals involved in any report of alleged Prohibited Conduct, meaning the Title IX Coordinator and others responsible for carrying out this Policy will disclose information only as required to implement this Policy or by law. If a Complainant requests that a report of Prohibited Conduct remain confidential (i.e., with the Complainant's identity not being disclosed to the Respondent and an investigation not being commenced), the Title IX Coordinator will evaluate that request in the context of Susquehanna University's responsibility to provide a safe and nondiscriminatory environment for all members of its community.

Susquehanna University may question an employee-Respondent about alleged Prohibited Conduct without disclosing the identity of the Complainant, provided that it does not take disciplinary action against that Respondent without implementing the Formal Resolution Process in Section XV.

Formal Resolution

Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose as part of an Informal Resolution. The university encourages parties to discuss any sharing of information with their Advisors before doing so. Susquehanna University strives to resolve Formal Complaints within ninety (90) calendar days of the submission of a Formal Complaint but balances its desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that time frame. Delays might also result from several factors, including but not limited to the appeal of a dismissal as discussed in Section XV(K), impacts of concurrent criminal processes, or an attempt at Informal Resolution. The Title IX Coordinator may extend the time for completion of the Formal Resolution Process for good cause as determined in the sole discretion of the Title IX Coordinator and will provide written notice to the Parties of the reason for extension or delay.

At the discretion of the Title IX Coordinator, possible violations of the Code of Student Conduct or other policies that occurred directly in connection with the alleged Prohibited Conduct may be, but are not required to be, addressed under the Formal Resolution Processes here in lieu of engaging in a separate decision-making process for those possible violations.

Filing a Complaint

Upon receipt of an alleged policy violation, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the University needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint.

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

- ▶ 1) Implementing supportive measures (with or without submission of a Formal Complaint)
- ▶ 2) An Informal Resolution (upon submission of a Formal Complaint)
- ▶ 3) A Formal Resolution Process including an investigation and a hearing (upon submission of a Formal Complaint)

Upon the submission of a Formal Complaint, the Title IX Coordinator will provide written notice to the Complaint and Respondent, if known, including the following:

- ▶ A copy of the Addressing Sex-Based Discrimination and Harassment Policy
- ▶ A copy of their rights
- ▶ Notice of the allegations of conduct that may constitute Prohibited Conduct, with sufficient detail for the Respondent to prepare a response before any initial interview, including, if known, the identities of the Parties involved and the date and location of the incident
- ▶ A statement of the potential sanctions/responsive actions that could result
- ▶ A statement about the University's policy on retaliation
- ▶ Information about the confidentiality of the process
- ▶ Details on how the party may request disability accommodations
- ▶ The presumption that the Respondent is not responsible for the alleged Prohibited Conduct unless a determination of responsibility is reached at the conclusion of the Formal Resolution Process
- ▶ Notice of the Parties' entitlement to an Advisor of choice at any meeting, interview or other proceeding related to the Formal Complaint, as discussed in Section XIV/XV of the Addressing Sex-Based Discrimination and Harassment Policy
- ▶ The identity of the Investigator as described in Section XV(A) of the Addressing Sex-Based Discrimination and Harassment Policy
- ▶ Notice that the Parties may inspect, and review evidence gathered during the investigation as discussed in Section XV(D) of the Addressing Sex-Based Discrimination and Harassment Policy

- ▶ An instruction to preserve any evidence that is directly related to the allegations
- ▶ Notice that Susquehanna University Code of Student Conduct for students and the Anti-Harassment and Non-Discrimination policy and Disciplinary Action Policy for faculty and staff prohibits knowingly making false statements or knowingly submitting false information during the Formal Resolution Process

If additional allegations of conduct that might constitute Prohibited Conduct are identified during the investigation that will be addressed through the Formal Resolution Process, the Title IX Coordinator will issue an updated notice.

Investigation

The written notice will identify the appointed Investigator. Either Party may object to the Investigator on the grounds of conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, by submitting an objection to the Title IX Coordinator in writing within three (3) calendar days of receipt of the issuance of the written notice. The Title IX Coordinator, in their sole discretion, shall determine whether a different Investigator should be appointed.

The Investigator will investigate the allegations in the Formal Complaint. They are responsible for interviewing the Parties and witnesses and gathering relevant inculpatory and exculpatory evidence. The Investigator may not access, consider, disclose or otherwise use records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the Complainant or Respondent, unless the Investigator obtains the Complainant's or Respondent's, as appropriate, voluntary written consent to do so.

All Parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, for the Investigator. Parties will be provided with written notice of the date, time, location, participants and purpose of all investigative interviews in which they are expected to participate. Parties may be accompanied by an Advisor of their choice at any investigative interview.

Investigations are completed expeditiously, though some investigations may take weeks or even months, depending on the nature, extent and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

The university will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Hearing

After the investigation report has been provided to the Parties and their Advisors, if any, and not fewer than fourteen (14) calendar days before the hearing, the Title IX Coordinator will issue a Hearing Notice via email advising the Parties of the following:

- ▶ The date, time and location of the Hearing;
- ▶ The specific charges of Prohibited Conduct subject to disposition at the Hearing and a brief description of the conduct resulting in the charges;
- ▶ A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence; Notification that the parties must have the assistance of an advisor for the purpose of cross examination;
- ▶ An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance and/or interpretations services that may be needed at the hearing at least seven (7) business days prior to the hearing;
- ▶ The individual to serve as the Decision-Maker; and
- ▶ The Hearing will take place with parties located in separate rooms with technology enabling the parties to simultaneously see and hear the party/witness answering questions.

Any Party may object to the Hearing date or challenge the appointment of the Decision-Maker for bias or conflict of interest by submitting a written objection to the Title IX Coordinator via email within three (3) calendar days of the Title IX Coordinator issuing the Hearing Notice. The Title IX Coordinator, in their sole discretion, shall determine whether the Decision-Maker should be removed and/or the Hearing rescheduled. Once the Decision-Maker is confirmed, the Title IX Coordinator will provide the Decision-Maker with a copy of the investigation report.

The university will designate a single Decision-maker, at the discretion of the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator may elect to have an alternate Decision-Maker sit in throughout the hearing process in the event that a substitute is needed for any reason.

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

The Parties are entitled to identify an Advisor of their choice, who may accompany them to all investigative interviews, hearings and other meetings or proceedings held in connection with a Formal Complaint. An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent. The Parties are responsible for identifying their own Advisor, if they wish to have one. An advisor may be a friend, parent, family member, attorney or another member of the Party's choice. Either Party may choose to change their advisor at any point in the process. If an individual serves as both an Advisor and has a role as a witness in the matter, they may limit the efficacy of their statement as a witness because the Decision-maker may discount their credibility based on their dual roles.

Susquehanna University will maintain a list of employees who have agreed to serve as Advisors at no cost to Complainants or Respondents, whom the Complainant or Respondent may, but are not required to, contact to determine whether they are available for that purpose. The university cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the university is not obligated to provide an attorney.

The only individuals who may appear at a Hearing are the Complainant and Advisor, Respondent and Advisor, and witnesses called by the Decision-Maker. The Parties and their Advisors may be present throughout the Hearing, with the exception of any recesses for which they are excused by the Decision-Maker. Witnesses are permitted to be present only when providing testimony. The Investigator and Title IX Coordinator may be present throughout the Hearing, as may other Susquehanna University representatives at the discretion of the Decision-Maker. If a Party fails to attend a hearing, the hearing may be held in the Party's absence, at the discretion of the Decision-Maker.

The Title IX Coordinator may not serve as a Decision-maker in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Title IX Coordinator or designee.

Standard of Proof

The Decision-Maker will make decisions on responsibility using a preponderance of evidence standard of proof. Preponderance of evidence means that the evidence demonstrates that the outcome is more likely than not.

Hearing Outcome Letter

Within seven (7) calendar days of the conclusion of the Hearing, the Decision-Maker will provide the Hearing Outcome Letter to the Title IX Coordinator who will issue the Hearing Outcome Letter to the Parties via Susquehanna University email. The Hearing Outcome becomes final following the determination of the appeals, if any, or upon the date following the deadline for filing an appeal, if no appeal is pursued. No further appeals of any kind are permitted.

Sanctions & Remedies

Primary Conduct Sanctions for Students and Student Organizations include:

- ▶ **Disciplinary Reprimand:** A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action, including disciplinary probation.
- ▶ **Disciplinary Probation:** A trial period during which a student/organization must behave in a manner acceptable to the university. This period can include exclusion from participation in privileged or co-curricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Policy or the Code of Student Conduct during the period of probation, will normally result in suspension or expulsion from the university. Under the status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate university officials. Disciplinary probation status may also affect qualifications for some awards, prizes or financial aid, particularly those stipulating conduct acceptable to the university. Disciplinary Probation can affect a student's ability to apply for or participate in GO Programs.
- ▶ **Disciplinary Deferred Suspension:** The sanction of disciplinary suspension may be placed in deferred status for a limited period of time. During this period of time, the student is on notice that any further violations of the Code of Student Conduct will result in the suspension that was originally defined becoming effective immediately without further review. Disciplinary Deferred

Suspension may not be imposed for longer than one regular semester. If this sanction is imposed during a semester, it may be imposed for the remainder of that semester and one additional semester.

- ▶ **Disciplinary Suspension:** Temporary separation from university premises, and other privileges or activities, as set forth in the suspension notice. Students/organizations who are suspended are not permitted to participate in any university activities, academic or non-academic, during the suspension time frame. They may not take part in any official exercise, including commencement. Suspended students are not allowed on Susquehanna University's premises during their suspension unless prior approval has been granted by the Vice President for Student Life and Dean of Students. Any request for the privilege of visiting Susquehanna during the suspension must be received in writing at least seven business days prior to the requested date by the Dean of Students. It should be understood that the submission of a request does not guarantee approval. The Dean may require the student requesting the privilege meet prior to the date. Decisions regarding the request will be communicated to the student and appropriate university staff.
- ▶ **Expulsion:** Permanent termination of student/organizational status and exclusion from university premises, privileges and activities including, but not limited to: receipt of Susquehanna University degree, registration, class attendance, residence in university owned housing and use of university facilities. A student/organization who has been expelled is not eligible for readmission/re-establishment. Students expelled from Susquehanna University are not allowed on Susquehanna University's premises and will receive a No Trespass Order from the Campus Safety Office. Expulsion will be kept on file in the Student Life Office, will remain in the student's conduct record permanently, and will be reflected on transcripts.

In addition to the above sanctions, students may also be assigned additional Secondary Conduct Sanctions:

- ▶ **Restriction or Revocation of Privileges:** The determination to withdraw a privilege, use of a service, participation in a program, event or activity for a specific period of time. The loss of privilege may prohibit a student or student organization from being released to live off-campus, or from participating in off-campus study (GO Program), co-curricular or athletic activities where the Individual(s) represents the university. Restrictions include, but are not limited to, registering or taking part in organizational or university social activities, the use of a particular university facility, guest privileges or parking privileges.
- ▶ **Restitution:** Repayment to the university or to an affected party for damages resulting from a violation of this code. Restitution can occur at any level.
- ▶ **Educational Sanctions:** In cases where it is appropriate, a Respondent may be required to participate in and/or complete educational sanctions to help prevent future instances of prohibited conduct. This can include online modules and/or in-person meetings with an appropriate facilitator.
- ▶ **Additional Sanctions:** Additional sanctions may be imposed. Service, research projects or educational programs or activities, including, but not limited to, an educational seminar, a treatment program for alcohol or drug abuse or psychological assessments may also be assigned. Parents may be notified to the extent permitted by law. (See the Parental Notification Policy at susqu.edu/about-susquehanna/policies-disclosures-and-consumer-information/policies/parental-notification-policy.)

Sanctions for Employees

Sanctions include, but are not limited to, written warning(s), suspension, change in duties, workplace changes or termination as listed in the staff Disciplinary Actions Policy and Faculty Handbook.

Failure To Comply with Sanctions

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

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion and/or termination from the university. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

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

Remedies

The Title IX Coordinator is responsible for the implementation of remedies designed to address safety, prevent recurrence and restore or preserve equal access to Susquehanna University education program or activity. While remedies might constitute Supportive Measures, they also might be in the form of Sanctions where there has been a finding of responsibility.

These remedies/actions may include, but are not limited to:

- ▶ Referral to counseling and health services
- ▶ Referral to the Employee Assistance Program
- ▶ Education to the individual and/or the community
- ▶ Permanent alteration of housing assignments
- ▶ Permanent alteration of work arrangements for employees
- ▶ Provision of campus safety escorts
- ▶ Climate surveys
- ▶ Policy modification and/or training
- ▶ Provision of transportation assistance
- ▶ Implementation of long-term contact limitations between the parties
- ▶ Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies the university owes the Respondent to ensure no effective denial of educational access.

The university will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the university's ability to provide these services.

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to Complainants and Respondents upon request, when deemed by Susquehanna University to be appropriate and reasonably available. The Title IX Coordinator will serve as the point of contact for the affected student(s) to ensure that the supportive measures are effectively implemented. Supportive Measures may also be imposed at the initiative and in the sole discretion of the Title IX Coordinator. Supportive Measures are offered without fee or charge to the parties and are available beginning at any time after the submission of a report of Prohibited Conduct as defined in our Addressing Sex-Based Discrimination and Harassment Policy.

A Complainant may seek and be provided Supportive Measures prior to or without ever filing a Formal Complaint.

Supportive Measures are designed to restore or preserve equal access to Susquehanna University educational programs and activities, without unreasonably burdening the other party. The university will act to ensure as minimal an academic impact on the parties as possible. Supportive Measures will be kept confidential to the extent doing so does not impair the university's ability to provide them. Supportive Measures that Susquehanna University may implement may include, but are not limited to, the following:

- ▶ Referral to counseling, medical and/or healthcare services;
- ▶ Referral to community-based service providers;
- ▶ Academic support, extensions of deadlines or other course/program-related adjustments;
- ▶ Modification of work or class schedules;
- ▶ Altering campus housing assignment(s);
- ▶ Altering work arrangements for employees or student employees;
- ▶ Assistance navigating the leaves of absence process;
- ▶ Assistance finding additional financial aid options, if income, financial resources or employee/student status changes;
- ▶ Safety planning;
- ▶ Education to the community or community subgroup(s);
- ▶ Advocacy in seeking visa and/or immigration assistance;
- ▶ Assistance utilizing the Employee Assistance Program;
- ▶ Transportation accommodations; or

- ▶ Restrictions on contact between the parties (i.e., “no contact” notices). Such an order serves as notice to both parties that they must not have verbal, electronic, written or third-party communication with one another).
 - In some cases, an individual may also wish to consider a Protection from Abuse Order from the local courts. This is a civil proceeding independent of the university. An individual has the right to file for a Protection from Abuse Order or Sexual Violence Protection Order with the help of an on-campus advocate. The campus advocate is located in the Violence Intervention and Prevention Center in the lower level of the Blough-Weis Library or available 24/7 at 1-800-850-7948. An individual also has the right to file a petition for a Protection from Abuse Order on their own at the Snyder County Courthouse Prothonotary’s Office.
 - The process for acquiring an order, includes an individual completing paperwork (with a campus advocate or on their own) about any incident(s) of misconduct and abuse. The paperwork will be filed with Snyder County Courthouse. Upon being filed, the individual who filed along with the alleged defendant will receive an order to appear in court. At that hearing, the individual can represent themselves or bring an attorney to testify about the alleged misconduct and/or abuse. If a temporary and/or final Protection from Abuse (“PFA”) court order is issued, the Campus Safety Office in conjunction with the local Selinsgrove Borough Police Department will serve the individuals named within the court order. Additionally, the university will, to the extent possible, assist the person who has obtained a PFA in benefiting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order, as per the statute set forth by Commonwealth of PA.
- ▶ Access to campus safety escorts;
- ▶ Increased security and monitoring of certain areas; or
- ▶ Any other measures deemed appropriate by the Title IX Coordinator to preserve equal access to Susquehanna University programs and activities.

A student or employee’s failure to abide by the terms of any Supportive Measure may result in discipline and, depending on the circumstances, could be deemed to constitute Retaliation.

Appeals

Either Party may appeal a determination of responsibility (or non-responsibility) as set forth in the Hearing Outcome by submitting a written appeal to the Title IX Coordinator by email within five business days of the Decision-Maker’s issues of the Hearing Outcome Letter. The appeal must be in writing and clearly explain the basis for the appeal. If the appeal is from the outcome of a Hearing, the Parties shall have access to the record of the Hearing to prepare their appeal on such terms as the Title IX Coordinator provides.

No Appeal Decision-maker(s) will have been previously involved in the Formal Resolution Process for the complaint, including in any dismissal appeal that may have been heard earlier in the process.

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

Appeals may be based on only one of the following:

- ▶ A procedural irregularity that affected the outcome of the matter;
- ▶ The existence of new evidence that was not reasonably available at the time of the Hearing that could affect the outcome of the matter; and
- ▶ The Title IX Coordinator, Investigator or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

For appeals from a Hearing Outcome, the Appeal Decision-Maker will issue a written Notice of Appeal Outcome, delivered simultaneously to all parties within ten business days of the Appeal Decision-Maker’s receipt of the appeal material. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which the university is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the university is permitted to share under state or federal law.

The Appeal Decision-Maker also has the ability to uphold the decision, send it back for a new hearing in front of the same Decision-Maker, send it back for a new hearing with a different Decision-Maker or reach a different outcome.

The Appeal Decision-Maker's decision is final. No further appeals are permitted.

Informal Resolution

Informal Resolution presents the opportunity for the Complainant and Respondent to resolve allegations of Prohibited Conduct without an investigation or hearing. Participation in Informal Resolution in lieu of the Formal Resolution Process is purely voluntary. Informal Resolution is available only when a Formal Complaint has been filed and the Parties agree to its use in writing. Informal Resolution may be used only with the approval of the Title IX Coordinator, who may deem its use inappropriate based on the specific allegations involved or other factors. Informal resolution is not available to resolve a student-Complainant's allegations that an employee has engaged in Title IX Sexual Harassment.

Prior to initiating Informal Resolution, the Title IX Coordinator will provide the Parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from Informal Resolution to pursue formal resolution, information regarding any records that will be maintained or shared by the university, and any consequences of participation (e.g., as it relates to any subsequent formal resolution if Informal Resolution is not achieved and if a Respondent plans to utilize an "Accepted Responsibility" informal resolution process).

Informal Resolution can be commenced at any point prior to the conclusion of a hearing under the Formal Resolution Processes. It is conducted by the Title IX Coordinator, or an Informal Resolution Facilitator appointed by the Title IX Coordinator. The Complainant, Respondent, Title IX Coordinator or Facilitator may terminate Informal Resolution at any time prior to its completion.

If Informal Resolution is terminated, the Formal Resolution Process will promptly commence or resume, as appropriate. If the Informal Resolution is terminated such that the matter resumes the Formal Resolution Processes, all documents would be forwarded to the Title IX Coordinator to determine whether or not they will be included in the Formal Resolution Process. Documents created for the purposes of the informal resolution will not be included in the Formal Process, but evidentiary documents produced for consideration by the facilitator can be used in the hearing.

Informal Resolution can take two primary forms as voluntarily agreed to by the Complainant, Respondent and Title IX Coordinator:

- ▶ **Alternative Resolution:** When the parties agree to resolve the matter through an alternative resolution mechanism (including mediation, restorative practices, facilitated dialogue, etc.), as described below, often before a formal investigation takes place.
- ▶ **Accepted Responsibility:** When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process.

The parties may not enter into an agreement that requires the university to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in sanctions levied by the institution is "Accepted Responsibility," as defined below. The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Upon receipt of a report, the Title IX Coordinator will provide a copy of the Addressing Sex and Gender-Based Discrimination and Harassment Policy alongside a Complainant Handbook which outlines in writing:

- ▶ A copy of their rights
- ▶ A synthesized overview of the formal resolution process, including:
 - A statement of the potential sanctions/responsive actions that could result;
 - A statement about the university's policy on retaliation;
 - Information about the confidentiality of the process;
 - Details on how the party may request disability accommodations;
 - The presumption that the Respondent is not responsible for the alleged Prohibited Conduct unless a determination of responsibility is reached at the conclusion of the Formal Resolution Process;
 - Notice of the Parties' entitlement to an Advisor of choice at any meeting, interview or other proceeding related to the Formal Complaint, as discussed in Section XIV/XV.

- ▶ Notice that the Parties may inspect, and review evidence gathered during the investigation as discussed in Section XV(D)
 - An instruction to preserve any evidence that is directly related to the allegations
 - Notice that Susquehanna University Code of Student Conduct for students and the Anti-Harassment and Non-Discrimination policy and Disciplinary Action Policy for faculty and staff prohibits knowingly making false statements or knowingly submitting false information during the Formal Resolution Process
- ▶ Information about how to access supportive measures

TITLE IX PROCESS – FOR INCIDENTS OCCURRING ON OR AFTER AUGUST 1, 2024

Any person at the university is encouraged to report conduct constituting possible Prohibited Conduct by: (a) reporting directly to the Director of Title IX Compliance, Deputy Title IX Coordinator(s), or any other reporting official in person, by mail, by telephone or by email, or (b) completing the online reporting form available at susqu.edu/title-ix (link on page 56 of this document).

Reporting by an individual carries no obligation to initiate a formal response, and the university respects Complainants' requests for limited university response, unless there is a compelling threat to the health or safety of the community. This means a Complainant is largely in control and should not fear a loss of confidentiality by making a report, which allows the university to discuss and/or provide supportive measures. A Complainant is not required to submit a Complaint to receive Supportive Measures.

Although an individual may not wish to report an incident to the university or press criminal charges immediately after it occurs, preserving evidence immediately can be vital for a successful investigation if they decide to move forward with a civil, criminal or university process or seek a protective order in the future. This information is also provided in writing to a Complainant after a report has been made to the university. Here are some tips on preserving evidence:

- ▶ Avoid any of the following before seeking medical attention: showering, bathing, douching, brushing of teeth, going to the bathroom, drinking and/or change of clothing.
- ▶ Similarly, any clothing, towels or bedding should remain untouched pending collection by law enforcement.
- ▶ If an individual has any bruising or injuries, they should take photos of the affected areas ensuring the date and time are documented (cell phones typically do this automatically). If an individual goes to the hospital, medical staff can also document the injuries as necessary.
- ▶ Document any harassment, abuse or stalking behavior by logging details, dates and times of incidents.
- ▶ Save any voicemails, screenshots of text messages and social media posts, etc.
- ▶ Collect and/or call Campus Safety to collect any trinkets, notes, gifts, etc. that someone may have left for Complainant to find.
- ▶ Document the names of any witnesses.

Off-Campus Police Services

Off-campus police services are available from local borough police and state police.

Anyone has the option to report to, or decline to report to, the university and local law enforcement. Although the university strongly encourages prompt reporting of conduct that may violate university policy, individuals have the option of reporting to (a) local law enforcement; (b) the university, including Campus Safety; (c) both (a) and (b); or (d) none of the above. This means that individuals have the right to decline to notify the university or law enforcement officials.

If an individual wants to notify local law enforcement, the university will assist to making a report. A report to local law enforcement is separate from a report to the university and the processes are not connected to one another.

Confidentiality

Susquehanna University respects the privacy of individuals involved in any report of alleged Prohibited Conduct. This means the Director of Title IX Compliance and others responsible for carrying out this Policy will disclose information only as required to implement this Policy or as required by law. If a Complainant requests that a report of Prohibited Conduct remain confidential (i.e., with the Complainant's identity not being disclosed to the Respondent and a resolution process not being commenced), the Director of Title IX Compliance will evaluate that request in the context of Susquehanna University's responsibility to provide a safe and nondiscriminatory environment for all members of its community.

Responding to a Report

The following process will be used after a report of harassment or discrimination, including sexual misconduct, is received by the university.

- ▶ The Director of Title IX Compliance/designee will contact the Complainant to meet for an initial intake and assessment meeting, and will provide information on rights, options, and support, including the university's policy.
- ▶ The Director of Title IX Compliance/designee will conduct an initial intake meeting with the Complainant and will make an assessment as to which policy applies to the report and which grievance procedures (if any) apply based on the conduct and status of the parties.
 - If the information provided does not suggest a potential violation of policy, the Director of Title IX Compliance/designee will provide the Complainant written notice that the matter is being referred for handling under a different policy and/or to another appropriate office for handling.
 - If the information provided does suggest a potential violation of the policy, the Director of Title IX Compliance/designee will work with the Complainant to understand their preferences for resolution.

Resolution Options

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

Filing a Complaint: A complaint means an oral or written request to the Director of Title IX Compliance/designee that objectively can be understood as a request for the university to investigate and make a determination about alleged discrimination under this policy. A complaint may be filed with the Director of Title IX Compliance/designee in person, by mail, or by electronic mail (email), by using the contact information listed on the Title IX website, or as described in this policy. Individuals who would like more information about filing a complaint are invited to contact the Director of Title IX Compliance/designee for additional information. A complaint does not need to be filed to receive Support-Based Resolution or Agreement-Based Resolution.

Support-Based Resolution: A support-based resolution is an option for a Complainant who does not wish the university to take any further steps to address their concern, and when the Director of Title IX Compliance/designee determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include, but are not limited to, adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.

A support-based resolution does not preclude later use of another form of resolution, including when new information becomes available to the university and the Director of Title IX Compliance/designee determines there is need for additional steps to be taken, or when the Complainant later decides to pursue a different resolution process.

Agreement-Based Resolution: Agreement-Based Resolution is an alternative to the investigation and decision-making procedures where the parties each voluntarily agree to resolve the concerns in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If the university offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Director of Title IX Compliance/designee must still take other prompt and effective steps as needed to ensure that discrimination does not continue or recur within the education program or activity.

Investigation & Decision-Making Resolution: The university has two types of investigation and decision-making procedures to resolve complaints of sexual misconduct, harassment, and discrimination: 1) Procedures for all prohibited conduct matters except for sex-based harassment involving a student as a party; and 2) Procedures for sex-based harassment involving a student as a party. For any investigation, the university will assign a trained Investigator to conduct an adequate, reliable, and impartial investigation and hearing, if applicable, in a reasonably prompt timeframe.

In those cases that do not include a hearing, the university strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation and Allegations. In those cases that include a hearing, the university strives to complete the

investigation process within sixty (60) days from the date of the Notice of Investigation and Allegations, and complete the hearing within sixty (60) days following the Notice of Hearing.

Individuals involved as Complainants or Respondents will receive a Notice of Investigation and Allegations, to notify them of the pending investigation and decision-making process. An Investigator will seek to interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered, when this evidence review is allowable under this policy. The Investigator will then create a final investigation report, which will be shared with both Parties and their advisor, if any. The Decision-Making process will then depend on the Parties' status at the institution.

The standard of proof for all Investigation process will utilize a preponderance of evidence standard of proof. Preponderance of evidence means that the evidence demonstrates that the outcome is more likely than not to have (or have not) occurred.

► ***Investigation & Decision-Making for Prohibited Conduct, Except for Sex-Based Harassment Involving a Student Party***

In cases of prohibited conduct that do not involve charges of sex-based harassment and a student party, the Investigator will also serve as a Decision-Maker for the case. If the Decision-Maker has determined that a violation of university policy has occurred, the Director of Title IX Compliance/designee shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, and the Director of Title IX Compliance/designee shall then determine the appropriate remedy(ies) for the complainant and any impacted parties. The Director of Title IX Compliance/designee shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the final investigation report. Appeal processes will then be available for both Parties, pursuant to the Policy.

► ***Investigation & Decision-Making for Sex-Based Harassment Involving a Student Party***

In cases of prohibited conduct that do involve charges of sex-based harassment and a student party, a hearing will be held to provide parties the opportunity to answer questions and provide live testimony regarding their case. The purpose of a hearing is for a Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. The university expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias.

During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call parties and witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the parties and witnesses including the questions the Hearing Officer approved to be asked that were submitted by each party prior to the hearing. Each party will then be provided an opportunity to submit follow-up written questions to the Hearing Officer for the Hearing Officer to pose to the other party or witnesses.

Following the hearing, the Hearing Officer shall prepare a determination report. All findings shall be made by a preponderance of the evidence standard, meaning that the incident is more likely than not to have occurred. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as Complainant, Respondent, or witness. The determination report will include:

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

The Hearing Officer's report shall be provided to the Director of Title IX Compliance/designee. If the Hearing Officer determines that there is no finding of responsibility, the Director of Title IX Compliance/designee shall communicate the findings to each

party, and their advisor, should the party wish the advisor to receive it, a written Notice of Outcome along with a copy of the Hearing Officer's report, to the parties, together with procedures for appeal.

If there is a finding of responsibility, the Director of Title IX Compliance/designee shall contact the appropriate sanctioning officer who will determine the sanction and notify the Director of Title IX Compliance/designee of the sanctioning determination. The Director of Title IX Compliance/designee will then provide each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome regarding the Hearing Officer's decision, including the Hearing Officer's report. Director of Title IX Compliance/designee will also provide written communication to the Complainant regarding any appropriate remedies.

Sanctions

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

- ▶ The nature, severity of, and circumstances surrounding the violation.
- ▶ An individual's disciplinary history.
- ▶ Previous grievances or allegations involving similar conduct.
- ▶ The need for sanctions/responsive actions to bring an end to the discrimination, harassment, or retaliation.
- ▶ The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, or retaliation.
- ▶ The need to remedy the effects of the discrimination, harassment or retaliation on the Complainant and/or the campus community.

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

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

▶ Primary Conduct Sanctions:

- **Disciplinary Reprimand:** A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action, including disciplinary probation.
- **Disciplinary Probation:** A trial period during which a student and/or organization must behave in a manner acceptable to the university. This period can include exclusion from participation in privileged or co-curricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Policy, the Code of Student Conduct, or other relevant university policies during the period of probation, will normally result in suspension or expulsion from the university. Under the status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate university officials. Disciplinary probation status may also affect qualifications for some awards, prizes or financial aid, particularly those stipulating conduct acceptable to the university. Disciplinary Probation can affect a student's ability to apply for or participate in GO Programs.
- **Disciplinary Deferred Suspension:** The sanction of deferred suspension may be placed in deferred status for a limited period of time. During this period of time, the student is on notice that any further violations of this Policy or the Code of Student Conduct will result in the suspension that was originally defined becoming effective immediately without further review. Deferred Suspension may not be imposed for longer than one regular semester. If this sanction is imposed during a semester, it may be imposed for the remainder of that semester and one additional semester.
- **Disciplinary Suspension:** Temporary separation from university premises, and other privileges or activities, as set forth in the suspension notice. Students/organizations who are suspended are not permitted to participate in any university activities, academic or non-academic, during the suspension timeframe. They may not take part in any official exercise, including commencement. Suspended students are not allowed on university premises during their suspension unless prior approval has been granted by the Vice President for Student Life/designee. Any request for the privilege of visiting Susquehanna during the suspension must be received in writing at least five (5) days prior to the requested date. The submission of a request does not guarantee approval. Students requesting the privilege may be asked to meet with

a university official to describe this request. Decisions regarding the request will be communicated to the student and appropriate university official.

- **Expulsion:** Permanent termination of student and/or organizational status and exclusion from university premises, privileges, and activities including, but not limited to, receipt of university degree, registration, class attendance, residence in university-owned housing and use of university facilities. A student and/or organization who has been expelled is not eligible for readmission and/or re-establishment. Students expelled from the university are not allowed on university premises and will receive a No Trespass Order from Campus Safety. Expulsion will be kept on file with the university, will remain in the student's record permanently, and will be reflected on all future transcripts.

▶ **Secondary Conduct Sanctions:**

- **Restriction or Revocation of Privileges:** The determination to withdraw a privilege, use of a service, participation in a program, event or activity for a specific period of time. The loss of privilege may prohibit a student or student organization from being released to live off-campus, or from participating in off-campus study (GO Program), co-curricular or athletic activities where the Individual(s) represents the university. Restrictions include, but are not limited to, registering or taking part in organizational or university social activities, the use of a particular university facility, guest privileges or parking privileges.
- **Restitution:** Repayment to the university or to an affected party for damages resulting from a violation of this code. Restitution can occur at any level.
- **Educational Sanctions:** In cases where it is appropriate, a Respondent may be required to participate in and/or complete educational sanctions to help prevent future instances of prohibited conduct. This can include online modules and/or in-person meetings with an appropriate facilitator.
- **Additional Sanctions:** Additional sanctions may be imposed. Service, research projects or educational programs or activities may also be assigned, which include, but are not limited to, educational seminars, treatment programs for alcohol or drug abuse, or psychological assessments. Parents may be notified to the extent permitted by law.

Possible sanctions and disciplinary steps for staff and faculty Respondents include, but are not limited to, written warning(s), suspension, change in duties, workplace changes or termination. Other relevant sanctions and disciplinary steps are listed in the staff *Disciplinary Actions Policy* and *Faculty Handbook*.

Appeals

Final determinations may be appealed in writing by either party. Appeals will be sent to the Director of Title IX Compliance/designee, who will then send the appeal to the Appeals Officer assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within five (5) days following the issuance of the outcome letter.

Appeals may be filed only on the following three grounds:

- ▶ **Procedural Error:** A procedural error occurred which would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal;
- ▶ **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation or hearing, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
- ▶ **Actual Conflict of Interest or Demonstrated Bias:** The Director of Title IX Compliance/designee, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

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

Failure To Comply with Sanctions

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

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion and/or termination from the university. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

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

Remedies

The Director of Title IX Compliance is responsible for the implementation of remedies designed to address safety, prevent recurrence and restore or preserve equal access to Susquehanna University education program or activity. While remedies might constitute Supportive Measures, they also might be in the form of Sanctions where there has been a finding of responsibility.

These remedies/actions may include, but are not limited to:

- ▶ Referral to counseling and health services
- ▶ Referral to the Employee Assistance Program
- ▶ Education to the individual and/or the community
- ▶ Permanent alteration of housing assignments
- ▶ Permanent alteration of work arrangements for employees
- ▶ Provision of campus safety escorts
- ▶ Climate surveys
- ▶ Policy modification and/or training
- ▶ Provision of transportation assistance
- ▶ Implementation of long-term contact limitations between the parties
- ▶ Implementation of adjustments to academic deadlines, course schedules, etc.

Supportive Measures

At the discretion of the Director of Title IX Compliance, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Director of Title IX Compliance will address any remedies the university owes the Respondent to ensure no effective denial of educational access.

The university will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the university's ability to provide these services.

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

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

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

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

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

A party may challenge the university's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal of the university's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Director of Title IX Compliance to provide Supportive Measures, the Director of Title IX Compliance will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) days.

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

Protection Orders

In some cases, an individual may also wish to consider a Protection from Abuse Order from the local courts. This is a civil proceeding independent of the university. An individual has the right to file for a Protection from Abuse Order or Sexual Violence Protection Order with the help of an on-campus advocate. The campus advocate is located in the Violence Intervention and Prevention Center in the lower level of the Blough-Weis Library or available 24/7 at 800-850-7948. An individual also has the right to file a petition for a Protection from Abuse Order on their own at the Snyder County Courthouse Prothonotary & Clerk of Court's Office.

The process for acquiring an order, includes an individual completing paperwork (with a campus advocate or on their own) about any incident(s) of misconduct and abuse. The paperwork will be filed with Snyder County Courthouse. Upon being filed, the individual who filed along with the alleged defendant will receive an order to appear in court. At that hearing, the individual can represent themselves or bring an attorney to testify about the alleged misconduct and/ or abuse. If a temporary and/or final Protection from Abuse (PFA) court order is issued, the Campus Safety Office in conjunction with the local Selinsgrove Borough Police Department will serve the individuals named within the court order. Additionally, the university will, to the extent possible, assist the person who has obtained a PFA in benefiting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order, as per the statute set forth by Commonwealth of Pennsylvania.

- ▶ Access to campus safety escorts;
- ▶ Increased security and monitoring of certain areas; or
- ▶ Any other measures deemed appropriate by the Director of Title IX Compliance to preserve equal access to Susquehanna University programs and activities.

A student's or employee's failure to abide by the terms of any Supportive Measure may result in discipline and, depending on the circumstances, could be deemed to constitute Retaliation.

SUSQUEHANNA UNIVERSITY FIRE SAFETY REPORT

ON-CAMPUS HOUSING FIRE SAFETY EQUIPMENT

Susquehanna University residences halls have detection and sprinkler systems. University Avenue houses are equipped with detectors in common areas and the remainder of the residence halls are outfitted with full detection equipment in rooms. Except for University Avenue housing, all residences halls have networked fire alarm systems.

When a networked fire alarm is activated, the alarm reports to Campus Safety located in the 18th Street Commons. Campus Safety is staffed 24-hours-a-day, 365-days-a-year. A specialist responds to the building and determines the cause of the alarm and whether the fire department should be notified to respond.

University Avenue resident housing fire alarm systems are local audible alarms with a simultaneous call to Campus Safety. When the alarms are activated, residents must evacuate while a specialist responds to the building to determine the cause of the alarm and whether the fire department should be notified.

Safety training for students can be scheduled for residence halls through Residence Life and Campus Safety.

SUPERVISED FIRE DRILLS/EMERGENCY ALERT

Mandatory, supervised fire drills are conducted for each residence hall in the fall and spring semesters by Campus Safety in accordance with the requirements in the Higher Education Opportunity Act.

Additionally, the public address/warning siren and text alerting system are tested annually to verify functionality and to test the Campus Safety staff's ability to use the systems.

EVACUATION POLICY & PROCEDURES

Evacuation emergencies include fires, hazmat and explosion emergencies (when evacuation is directed by emergency personnel), natural gas leaks, unplanned utility outages, bomb threats, and other situations in which emergency personnel direct evacuation of a building.

In the event of fire or other evacuation emergencies at Susquehanna University, all persons in the affected premises must evacuate. Occupants will be notified of a fire or other evacuation emergency by a fire alarm signal, which may be a bell or a horn, depending on the building. Initial emergency notifications may also be followed by email, text messages, outdoor public-address system, and phone communications (voicemail) if appropriate.

If occupants discover a fire, smell smoke, or discover any other hazardous emergency condition in a campus facility, they should immediately activate the building fire alarm and call Campus Safety at 570-372-4444 or 911.

As occupants evacuate the building, they should calmly alert others in the affected area that they must leave. Occupants should only take important personal possessions that are in their immediate vicinity if they can carry such items without risk to themselves or others.

Common items occupants may take include coats, medicines, purses, wallets, and keys. Occupants should never try to retrieve items in another location in the building. Building occupants are neither required nor encouraged to fight fires and should only use a fire extinguisher if they are trained to do so. Any individual trained in the proper use of a fire extinguisher and confident in his or her ability to cope with the hazards of a fire may use a portable fire extinguisher to fight incipient fires (no larger than a waste basket). Any such efforts must be terminated when it becomes obvious that there is a risk of harm from smoke, heat, or flames.

Upon hearing a building fire alarm signal, occupants should evacuate immediately unless they have specific emergency responsibilities designated. Windows and doors should be closed. Occupants should use the nearest safe exit and avoid using elevators. If someone is caught in smoke or heat, they should stay low where the air is better and attempt to reach a safe exit or area of refuge.

Occupants should check doors with the back of their hand and if the door or doorknob to the hallway is hot to the touch, it should not be opened as fire may be on the other side. If occupants are unable to leave a room or office due to heat or heavy smoke in the hallway, obstructions, or physical disability, they should try to put a cloth or towel under the door to help prevent the entry of smoke. They should then call 911 and/or 570-372-4444 to provide their exact location so that emergency personnel can be directed.

Occupants should consider individuals who are blind, visually impaired, deaf, hearing impaired, or mobility impaired and immediately inform the nearest emergency responder of the individual's location. Employees who have a limitation that may impede their exit from a building in an emergency are encouraged to inform their supervisor of the nature of their disability in advance so that emergency evacuation procedures can be developed that will ensure their safe evacuation from the workplace.

Occupants should familiarize themselves with the location of all exits from buildings they regularly use. All exits in residence halls are marked with exit signs.

Students and employees leaving a building should assemble in the designated area assigned for the building, where it will not hinder the approaching emergency response personnel and apparatus. Designated areas can be found on Campus Safety *myNest* page. Students and employees should attempt to account for individuals that are known to be in the building, including all visitors. Any missing individuals should be reported to the responding office members or emergency personnel. In addition, Campus Safety staff will conduct a sweep of all floors if sufficient personnel are available, and it is safe to do so.

Occupants must wait for office personnel to inform them when it is safe to return to the affected building. Even though the alarm may stop, the building may not be safe to re-enter. If re-entry to the building is not imminent, occupants will be directed to proceed to another location.

DECORATION POLICY AND FIRE RESTRICTIONS

The interior of a student's room provides a living space for personal preferences of expression, provided that expression does not violate any residential-living policies and guidelines or the Student Code of Conduct.

Residents are permitted to hang items on interior walls of personal rooms using poster putty, removable hooks (e.g., 3M, Command M) push pins or thumb tacks, but will be responsible for any costs to repair damages that may result from use or other structural changes.

Restrictions

Students are not permitted to make structural changes to common or personal areas.

Restrictions for residence hall rooms, suite common rooms or university-owned houses or apartments include:

- ▶ Hardware nails, screws, staples and other metal fasteners (other than standard push pins/ thumbtacks to hang lightweight items on walls) are prohibited in walls, doors, trims, other structural surfaces, furniture or fixtures.
- ▶ Permanent adhesives, tape, glue and pastes to mount on any structural surfaces, furniture or fixtures, are prohibited (other than Command-brand or similar removable hangers).
- ▶ Painting or papering (e.g., wallpaper, borders, contact paper, stickers, decals) is not permitted on any structural surfaces, furniture or fixtures. Paint repairs should be submitted to Facilities Management.
- ▶ Nothing can be attached to the windows (interior/exterior), doors (interior/exterior), or outside of the residence halls.
- ▶ Standing any kind of object or container on outside windowsills, ledges, porches or roofs is prohibited.
- ▶ The use of alcohol bottles (full or empty), cans, caps, labels, boxes or alcohol-related promotional materials for any decorative purposes is prohibited.
- ▶ Metal-tip darts/dartboard games and free-standing bars are not permitted.
- ▶ Students may not hang their own curtains on windows unless they adhere to the recommended system for fire safety. For a Facilities-approved list of window treatments, visit the On-Campus Living *myNest* tile.
- ▶ University's in-window shades or pull blinds must remain in the window.
- ▶ Nothing should be hung from ceilings, strung across the room, over doorways, or covering windows at any time. This includes, but is not limited to, fabrics, tapestries, lights, curtains, and posters.
- ▶ Wall hangings made of burlap or any other highly flammable fabrics, tapestries, netting, etc. are prohibited.
- ▶ Live trees, dried flowers or decorative greens/cornstalks are prohibited. Small plants in soil and fresh flowers in water are permitted.
- ▶ Outside decorations may be displayed at any residential houses if they are a part of a university-sponsored event (e.g., Halloween on the Ave, Homecoming). Facilities Management and Residence Life reserve the right to restrict or prohibit outdoor decorations.

Electrical Appliances

Reflecting fire safety and electrical concerns, residents are limited in the use of electrical appliances and cooking devices they may store in personal residence hall rooms. One coffee pot (12-cup maximum), Keurig® or similar machine is permitted in each personal residence hall room. It must have a two-hour maximum automatic shut-off feature. Prohibited items include, but are not limited to, personal or propane grills, electric blankets, air-conditioners, portable heating units of any kind, dehumidifiers (unless provided by Facilities Management), microwaves over 700 watts, and refrigerators over 5 cubic feet. Residential spaces are not permitted to have more than two large appliances in an assigned bedrooms — for example: one microwave and one refrigerator, 2 refrigerators, or 2 microwaves.

Students can rent a microfridge from mymicrofridge.com. Microfridges include a 2.13 cubic foot refrigerator, a 0.74 cubic foot freezer, and a 700-watt microwave. Microfridges are delivered prior to move-in day, are maintained by Microfridge, and include a sensor in the microwave that will turn off the microwave if it detects smoke.

Kitchen appliances, particularly those with an exposed heating unit, are prohibited in personal residence hall rooms. This includes, but is not limited to, hot plates, toasters, electric frying pans, broilers and griddles. They may be stored and used in kitchens/kitchenette areas within the common areas of residence halls at the owner's own risk. Appliances stored in common areas must be unplugged and restored immediately after use. Kitchen appliances can be stored in your personal room, but not used in the residence hall room.

University officials reserve the right to request the removal of any appliance on university premises that may pose a safety or security risk.

Extension Cords and Other Hazards

Extension cords must be suitably sized for the appliance or device they are supplying. Expected practices with electrical cords to prevent fires:

- ▶ Use only three-prong extension cords or power strips with surge protector capabilities. Household extension cords are not allowed on campus as they lack a grounding prong and are unsuitable for high-power devices.
- ▶ Do not overload extension cords.
- ▶ Do not run extension cords under rugs, carpets or furniture.
- ▶ The following fire hazards are not permitted and will result in the confiscation and/or possible disposal of any high-risk item:
- ▶ Attaching items to or covering smoke detectors or sprinklers, tampering with fire bells or alarms, pull stations, extinguishers, hoses, exit signs, instruction signs, sprinkler systems and the rendering of a false alarm are all prohibited and subject to the Code of Student Conduct.
- ▶ Halogen lamps and bulbs are prohibited. Use only LED bulbs that match the wattage of a lamp or fixture.
- ▶ Miniature decoration UL-approved LED lights (e.g., holiday lights, novelty lights) can be used in a room interior, though they cannot be attached to room fixtures using metal fasteners (as an alternative option, white removable adhesive putty is recommended) or used in any other manner contrary to manufacturers' recommendations.
- ▶ All candles (new or burnt wick), reed and oil diffusers, open flames (e.g., tiki torches), objects that emit vapor or smoke (e.g., fog machines, e-cigarettes), fuels, such as kerosene, butane, propane, lighter fluid, gasoline, or fuel-powered devices, damaged lithium batteries, and the burning of incense are prohibited.
- ▶ Fire pits, unless provided by the university, are not permitted on university property.
- ▶ The possession or use of fireworks on university property is prohibited. Fireworks are defined as any substance prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation.

As it is impossible to have a fully comprehensive list, residents are advised to keep any fire risks and hazardous materials out of residential living spaces and follow manufacturers' guidelines.

For religious exemptions to restrictions of this policy, please contact the Director of Residence Life who will confer with the Director of Religious & Spiritual Life about appropriate accommodations.

Smoking

All campus buildings, including residence halls, are completely smoke-free. This policy covers smoking tobacco products as well as any devices that emit smoke or vapor, such as e-cigarettes and other similar devices. Those who smoke outside of campus buildings are asked to stay more than 25 feet from entrances and windows and are asked to use the ashtrays that are located outside building entrances for the disposal of cigarettes and cigars.

Fire Safety

Fire extinguishers, fire alarm systems, and other fire prevention and protection equipment are provided in university buildings as a safeguard for lives and property. Tampering with fire bells, alarms, extinguishers, hoses, exit signs, instruction signs, or sprinkler systems, as well as rendering a false alarm, is prohibited. Individuals are required to vacate a building when a fire alarm sounds or when asked to do so by university officials.

Training

Campus Safety conducts regular fire drills in the residence halls and other buildings.

Fire Reporting

Anyone wishing to report an active fire should call 911 or Campus Safety at 570-372-4444. If anyone would wish to report a previous fire event, they may call Campus Safety at 570-372-4444.

Fire Log

Fire incidents are logged as an incident in the record management system. Copies of the fire log can be obtained by request at Campus Safety. This log will highlight all fire and alarm activity on the Susquehanna University campus.

Fire Protection Systems

Information specific to fire safety/detection systems and fire suppression systems, fire related drills, fires, fire related injuries and deaths for each on-campus housing facility is detailed in the statistics below.

Additional Information

Additional information regarding fire safety violations and prohibitions may be found in the Residence Life and Community Living Policies at susqu.edu/about-susquehanna/policies-disclosures-and-consumer-information/policies/residence-life-community-living-policies.

FIRE SAFETY REPORT 2023																	
STUDENT HOUSING FACILITY	Fire Safety Equipment			Fire Drills			Fires			Fire Related Deaths			Fire Related Injuries			Value of Property Damage	Narrative
	Sprin- klers	Detec- tors	Report to DPS	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023		
101 Liberty Ally	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
300 Univ. Ave.	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
301 Univ. Ave.	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
305 Univ. Ave.	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
307 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
309 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
310 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
312 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
313 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
401 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
402 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
403 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
405 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
520 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
600 Univ. Ave	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Aikens	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Hassinger	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Isaacs	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
North Hall	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Phi Mu Delta	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Reed	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Roberts	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
March	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
O'Connor	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Ross	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Scholars	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Seibert	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Shobert	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Smith	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Theta Chi/GO House	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		

(continued)

FIRE SAFETY REPORT 2023 (cont.)																	
STUDENT HOUSING FACILITY	Fire Safety Equipment			Fire Drills			Fires			Fire Related Deaths			Fire Related Injuries			Value of Property Damage	Narrative
	Sprinklers	Detectors	Report to DPS	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023		
West	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
West Village Aspen	✓	✓	✓	2	2	2	0	1	0	0	0	0	0	0	0		2022 Fire in trash can
West Village Hawthorn	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
West Village Laurel	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
West Village Linden	✓	✓	✓	2	2	2	0	1	0	0	0	0	0	0	0		
West Village Elm	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
West Village Tamarack	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
West Village Willow	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Kathmandu	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Granada	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Hong Kong	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Jakarta	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Lima	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Montreal	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
New Orleans	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Alice Springs	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	1		2023 Grease fire from cooking. Fire extinguisher used.
Buenos Aires	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Cape Town	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Dakar	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Edinburgh	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		
Florence	✓	✓	✓	2	2	2	0	0	0	0	0	0	0	0	0		

UNIFORM CRIME REPORT

In November of 2004, the Pennsylvania Uniform Crime Reporting Act went into effect. This act provides on a state level many of the same requirements as the federal Clery Act. While similar, these two distinct acts are not identical. Because reporting requirements are different, the statistics that are provided below will not always match the statistics reported to the U.S. Department of Education. What follows in this section is what the State law directs institutions of higher education to provide.

Students and employees may file a complaint regarding the institution's compliance with the Director of Campus Safety; Clery Compliance Officer, or AVP, Campus Safety by phone at 570-372-4444, in person at Campus Safety, 18th Street Commons or in writing to the Director of Campus Safety; Clery Compliance Officer or AVP, Campus Safety, 514 University Ave., Selinsgrove, PA 17870.

GENERAL

In fall 2023, Susquehanna University had an enrollment of 2,168 undergraduate students and zero graduate students, with 1,893 living in student housing. The total number of non-student employees working on campus was 521. All university employees, volunteers, and independent contractors are required to complete criminal, child abuse and FBI clearances. There is no requirement for Susquehanna University students to have clearances completed. The complement of the Campus Safety staff included: four full-time Communications Specialist I, five full-time Campus Safety Specialist I, two full-time Campus Safety Specialist II, one Associate Director of Campus Safety, one Director of Campus Safety and the Assistant Vice President for Facilities and Campus Safety. Students, faculty and staff may report criminal incidents to the Campus Safety Office or directly to the Selinsgrove Police Department.

FACILITIES MANAGEMENT

Susquehanna University enhances the Campus Safety apparatus with a comprehensive system of facilities management. This includes the regular maintenance of campus facilities to ensure security equipment and mechanisms are in proper working order, including the repairing of doors, windows, and other access points. Additionally, landscaping and groundskeeping are designed to control ingress and egress from the campus, regulate access to pedestrian walkways, and limit public access to certain parking locations. The campus lighting system is designed, maintained, and regularly updated to provide visibility in high vehicular traffic areas and locations in which students, faculty, and staff regularly walk during periods of darkness. The campus community has multiple avenues for reporting safety related concerns to facility managers including phone, online and email systems. Facilities Management maintains an on-call member, 24-hours-a-day, 7-days-a-week, who can be accessed through Campus Safety after business hours.

HOUSING

The following information regarding housing and students is provided, per the reporting requirements of the Act.

Types of Student Housing Available

Susquehanna University has two types of student housing arrangements for undergraduate students. The first is on-campus and the second is an exemption to the housing policy that allow students to commute or live off-campus based on specific criteria.

- ▶ On-campus residential locations are generally separated into two types of areas: First-year areas and upper-class areas. All buildings are coed; however, there are some floors within the residential areas that are gender specific.
- ▶ First-Year areas: These facilities are standard residential corridor hall buildings, in which students share a common area bathroom. Most of the rooms are double rooms with some triples and quads. There are single rooms for Residence Life student staff and for students whose needs require them to have a single room.
- ▶ Upper-level areas: There are variety of living environments for students who are sophomores, juniors and seniors, including: traditional residential corridor hall buildings in which students share a common area and bathroom; theme houses consisting of shared space for 10 students; suite-style, in which students share a space that has a common area and independent bathroom; and townhouses, which are apartments with a kitchen, common area and independent bathroom.

Housing Exemptions

All full-time students are required to reside in campus-owned or operated housing for the academic year unless they are:

- ▶ 23 years of age or older at the start of the academic year
- ▶ Living with a parent/guardian at their primary residence, which is within 45 minutes driving distance from campus
- ▶ Married and living with their spouse
- ▶ The parent/guardian of a child with whom they are living
- ▶ Have completed 8 semesters in residence at Susquehanna

Policy on housing assignments and requests by students for assignment changes

Upper-level students select roommates and rooms during a housing selection process. Incoming students are housed with their roommates through information received on a roommate preference form. A mediation process is in place for students who express roommate challenges that can result in relocation of students. Students may request a room change at semester breaks.

Policy concerning the identification and admission of visitors in student housing facilities

All visitors to student housing facilities must be admitted by a student from that facility. Susquehanna University students are responsible for their visitors.

Measures to secure entrances to student housing facilities

Exterior doors on some facilities are locked and accessed only through an electronic card system that uses the Susquehanna University identification card. Campus Safety has access to this system electronically. Other facilities have traditional keyed entry systems that are controlled by student residents of that building; they are not monitored.

Standard security features used to secure doors and windows in student rooms

Room doors are secured through a traditional key lock system. Each roommate has their own individual room and (if applicable) suite key. Windows in student rooms have a latch mechanism on the inside of the window.

Description of the type and number of employees, including security personnel, assigned to the student housing facilities that includes a description of their security training

Susquehanna University employs professional staff consisting of one Director of Residence Life, one Assistant Director of Residence Life, three Area Coordinators and several other on-call professional staff. In addition, there are 64 student staff members consisting of 8 Lead Resident Assistants and 56 Resident Assistants, who reside in the student housing facilities. They receive extensive training sessions before the beginning of the fall and spring semesters to ensure they have the ability and skills to address a variety of emergency issues. A student staff member is on duty for each building at night when school is in session, except for townhouses and houses on University Avenue, student staff has the responsibility to ensure the buildings are secure by completing nightly walk-throughs of the buildings.

Type and frequency of programs designed to inform student housing residents about housing security and enforcement procedure

Security standards are addressed at the beginning of every semester through floor meetings and whenever deemed necessary if students are exhibiting actions that are lowering the safety standards significantly.

Policy and special security procedures for housing students during low-occupancy periods such as holidays and vacation periods

Any student interested in residing on campus during a break period must show cause through a request for approval to the Residence Life Office. If they are approved, Campus Safety is notified of their name and location.

STUDENT GUEST POLICY

Policy on the housing of guests and others not assigned to the student housing or not regularly associated with the institution of higher education.

Within the residence halls at Susquehanna University, a “guest” is defined as any individual who is found in a residence hall or residence hall room who is not officially assigned to live there by the Residence Life Office.

A roommate must be consulted and give consent prior to inviting a guest to stay overnight in the residence hall room. The rights of a student to privacy, quiet, etc. are paramount and take precedence over the desire of a roommate to have guests in the room or suite/apartment. An individual may be an overnight guest in a residence hall for a maximum of two nights in any given two-week period. A person may not be an overnight guest of more than one resident per two-week period. In addition, a host may not have more than one overnight guest in a two-week period.

Any individual staying as a guest who is not a Susquehanna student must obtain a guest pass upon arriving to campus and keep it on their person during their entire time they remain a guest on campus. Guest passes must be obtained in the Campus Safety Office (open 24 hours a day: 570-372-4444, or ext. 4444 from any campus phone). Guests must provide the following information:

- ▶ The guest's cell phone number
- ▶ The name of the Susquehanna University student host and their cell phone number
- ▶ The building and room number of the host's on-campus residence
- ▶ A name of an emergency contact and their number (e.g., parent or legal guardian)
- ▶ The reason for the visit (this should include the particular department who invited the guest to campus if relevant – e.g., field hockey recruit, prospective student from Admission, Music Department recruit)
- ▶ The name of the Coordinating Administrator and their contact number (if the guest is a prospective student)
- ▶ The date(s) of the visit

Students may serve as hosts to guests through athletic teams and departments.

Guests may be asked to provide this information to the administrator responsible for coordinating their visit. If a guest pass is given to a guest by a Coordinating Administrator, the guest does not need to go to Campus Safety to obtain another pass. Guests are obligated to spend the night in their host's residence hall room unless previously instructed by an administrator or coach.

Hosts (Susquehanna University students) are responsible for the conduct of their guests on university premises and at functions sponsored by the university or any student organization. Hosts may be held responsible for their guest's behavior. All guests are subject to university regulations.

Should a guest be found without their guest pass or violating university policy, they may be arrested by the Selinsgrove Borough Police for trespassing and/or asked to leave campus.

Guests who are registered sex offenders in any state, hold a felony conviction, or have an active warrant or are otherwise wanted by law enforcement may be asked to leave campus under certain circumstances. Hosts who knowingly permit these persons on campus can be held responsible for hosting under university conduct.

PENNSYLVANIA UNIFORM CRIME REPORT STATISTICS

The Pennsylvania Uniform Crime Reporting Act requires the release of crime statistics and crime rates to students and employees. The annual Pennsylvania Uniform Crime Report includes state-required crime statistics for three years and rates based on the number of students, faculty and staff. The statistics, which often vary from the federal statistics because of different reporting requirements, only include offenses reported to and investigated directly by Susquehanna University Campus Safety, not those reported to or directly investigated by the local, regional, state or federal police authorities. Incidents that were reported to and directly investigated by the Selinsgrove Police Department are not included even though Campus Safety personnel may have been present at the scene and/or provided assistance. Those should be reflected in statistics provided by the Selinsgrove Police Department. The rate is based on the actual number of full time equivalent (FTE) students, faculty and staff calculated according to a state-mandated formula. The index in the table below is based on incidents per 100,000 FTEs.

UNIFORM CRIME REPORT STATISTICS						
	2021 (2816)		2022 (2788)		2023 (2689)	
	Actual	Index 100,000	Actual	Index 100,000	Actual	Index 100,000
PART 1 OFFENSES						
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	6	215	0	0
Attempts to Commit Rape	0	0	0	0	0	0
Robbery: Firearm	0	0	0	0	0	0
Robbery: Knife or Cutting Instrument	0	0	0	0	0	0
Robbery: Other Dangerous Weapon	0	0	0	0	0	0
Robbery: Strong Arm (hands, feet, etc.)	0	0	0	0	0	0
Assault: Firearm	0	0	0	0	0	0
Assault: Knife or Cutting Instrument	0	0	0	0	0	0
Assault: Other Dangerous Weapon	0	0	1	36	0	0
Assault: Hands, Fist Feet, etc.	0	0	5	179.3	5	185.9
Other Assaults – Not Aggravated	2	71	0	0	0	0.0
Burglary: Forcible Entry	0	0	0	0	0	0
Burglary: Unlawful Entry – No Force	2	71	1	35.9	0	0.0
Burglary: Attempted Forcible Entry	0	0	0	0	0	0
Larceny/Theft	23	816.8	40	1434.7	30	1115.7
Motor Vehicle Theft: Autos	0	0	0	0	0	0
Motor Vehicle Theft: Trucks and Buses	0	0	0	0	0	0
Motor Vehicle Theft: Other Vehicles	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Subtotal Part 1	33	1171.9	53	1901	35	1301.6

(continued)

UNIFORM CRIME REPORT STATISTICS (cont.)

	2021 (2816)		2022 (2788)		2023 (2689)	
	Actual	Index 100,000	Actual	Index 100,000	Actual	Index 100,000
PART 2 OFFENSES						
Forgery and Counterfeiting	0	0	0	0	0	0
Fraud	0	0	0	0	0	0
Embezzlement	0	0	0	0	0	0
Stolen Prop. Rec., Poss., Buying	0	0	0	0	0	0
Vandalism	31	1100.9	46	1649.9	53	1971.0
Weapons, Carrying, Posses, etc.	0	0	0	0	0	0
Prostitution & Commercialized Vice	0	0	0	0	0	0
Sex Offenses (except 02 and 160)	4	142	0	0	0	0.0
Drug Sale/Manf.: Opium, Cocaine	0	0	0	0	0	0
Drug Sale/Manf.: Marijuana	0	0	0	0	0	0
Drug Sale/Manf.: Synthetic	0	0	0	0	0	0
Drug Sale/Manf.: Other	0	0	0	0	0	0
Drug Possession: Opium, Cocaine	0	0	0	0	0	0
Drug Possession: Marijuana	1	35.5	4	143.5	19	706.6
Drug Possession: Synthetic	0	0	0	0	0	0
Drug Possession: Other	0	0	0	0	0	0
Gambling: Book Making	0	0	0	0	0	0
Gambling: Numbers, etc.	0	0	0	0	0	0
Gambling: Other	0	0	0	0	0	0
Offenses Against Family & Children	0	0	0	0	0	0
Driving Under Influence	0	0	0	0	0	0
Liquor Law	99	3515.6	20	717.4	28	0.0
Drunkenness	0	0	0	0	0	0
Disorderly Conduct	2	71	11	394.5	5	185.9
Vagrancy	0	0	0	0	0	0
All Other Offenses (except traffic)	21	745.7	31	1111.9	17	632.2
Subtotal Part 2	158	5610.8	112	4017.2	122	4537.0
GRAND TOTAL	191	6782.7	165	5918.2	157	5838.6

SUSQUEHANNA UNIVERSITY – TITLE IX, BIAS, HARASSMENT, AND DISCRIMINATION POLICY

Effective: August 1, 2024

Policy Summary

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

This Policy Applies to:

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

1. Introduction

- a. **Statement of Nondiscrimination:** Susquehanna University ["the University"] does not discriminate and prohibits discrimination against individuals based on any category protected under applicable federal, state, or local laws. Accordingly, the university does not discriminate, and strictly prohibits unlawful discrimination on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, social class, or any other category or characteristic protected by applicable law.
 - i) When brought to the attention of the University, any such discrimination will be appropriately addressed by the university according to the procedures below.
- b. **Title IX of the Education Amendments of 1972:** The university does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities on the basis of sex. As a recipient of federal financial assistance for education activities, the university is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or related conditions.
 - i) The university has obligations under Title IX to provide certain supports and modifications to people experiencing pregnancy or related conditions, in order to ensure their equal access to the University's program or activity. For example, the university must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence.
 1. Students, employees, or applicants should contact the Title IX Coordinator or Deputy Title IX Coordinator for more information. Employees or applicants may also contact the Human Resources Office for more information, because additional workplace laws and policies apply.
 - ii) Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
 - iii) The university also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process, whether internal or external to the institution. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by the university policy.

- c. **Application of Section 504/Americans with Disabilities Act:** In both practice and policy, the university adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. The university is committed to providing individuals with disabilities equal access and opportunity and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of the university life.
- i) Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator/designee at any point relating to the implementation of this policy, including making a disclosure or report, and initiating a grievance procedure.
 - ii) With the consent of the impacted student or employee, the Title IX Coordinator/designee will work collaboratively with the appropriate offices for students and/or employee accommodations to ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this policy.
 - iii) Accommodations will be granted if they are reasonable and do not fundamentally alter the process. The Title IX Coordinator/designee will not affirmatively provide disability accommodation that has not been specifically requested by the parties, even where the parties may be receiving accommodations in other the University programs and activities.
- d. **Purpose of Policy:** This policy identifies and defines conduct prohibited under this policy, the procedures for reporting harassment and discrimination, and the process that will be used to respond to allegations of Prohibited Conduct. The University will act on all notices of allegations of discrimination, harassment, or retaliation. It will take appropriate measures to end conduct that is in violation of this policy, prevent its recurrence, and remedy its effect on individuals and the community. Within any process related to this policy, the University provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, when that accommodation is consistent with state and federal law.
- i) Situations involving other conduct that may be in violation of other university student or employee conduct policies should be reported to Student Life for matters involving students, or Human Resources for matters involving faculty or staff.
- e. **Policy Application:** This policy applies to the entire university community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in or attempting to participate in the university-sponsored activities. This policy may also pertain to instances in which the conduct occurred outside of the campus or the university-sponsored activity if the university determines that the off-campus conduct affects a substantial university interest, including access to the educational program or activity, safety and security, compliance with applicable law, and meeting its educational mission. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational or employment opportunities and/or benefits of any member of the university community on the basis of a protected identity is in violation of this policy.
- i) Members of the university community are expected to provide truthful information in any report, meeting, or proceeding under this policy.
 - ii) Any respondent who is not a university student or employee is generally considered a third party. The university's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to the university. When appropriate, the Title IX Coordinator/designee will refer such allegations against third-party respondents to the appropriate office.
 - iii) The status of a party may impact which resources and remedies are available to them, as described in this policy.
- f. **Prohibited Behaviors:** This policy prohibits Bias, Discrimination, Discriminatory Harassment, Sex-Based Harassment, and Retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this policy.
- i) Bias: Bias is a broad category of behaviors which can include discrimination, harassment, and other actions that demean or intimidate individuals or groups because of personal characteristics, beliefs, or expression.
 - 1. Acts of bias may include, but are not limited to:
 - a. Graffiti (e.g., swastikas and other offensive words or pictures)
 - b. Anonymous email or internet posts containing ethnic or racial slurs

- c. Making slurs, jokes or negative comments toward or about another person based on their legally protected characteristic
 - 2. Some acts of bias may not rise to the level of discrimination, discriminatory harassment, sex-based harassment, and/or retaliation, but can still be responded to, as appropriate, by the university.
 - 3. For allegations of bias that do not rise to the level of discrimination, discriminatory harassment, sex-based harassment, and/or retaliation, only remedial response, such as support-based resolution and/or educational outreach to the respondent, will be considered as outcome and the university may forgo any form of formal resolution process.
- ii) Discrimination: Discrimination is defined as treating members of a protected category less favorably because of their actual or perceived membership in that category or as having a policy or practice that adversely impacts the members of one protected category more than others, unless such treatment is permitted by law or policy.
 - 1. As a note, discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- iii) Discriminatory Harassment: Discriminatory Harassment is unwelcome non-verbal or physical, verbal, or online conduct where such conduct is based on actual or perceived membership in a protected category, and is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile or offensive environment and would have such an effect on a reasonable person.
 - 1. Protected categories identified in this policy include: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, social class, or any other protected category under applicable local, state or federal law.
 - 2. Discriminatory Harassment related to sex is treated as Sex-Based Harassment, defined below.
- iv) Sex-Based Harassment: Sex-based harassment is a form of discriminatory harassment and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-Based Harassment includes the following:
 - 1. Quid pro quo harassment: An employee, agent, or other person authorized by the university to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
 - 2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant's ability to access the university's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the university's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the university's education program or activity.
 - 3. Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Specifically, this includes:
 - a. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
4. Dating violence: Violence committed by a person:
- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the people involved in the relationship.
 - c. Emotional and psychological abuse do not constitute violence for the purposes of this definition.
5. Domestic violence: Felony or misdemeanor crimes of violence committed by a person who:
- a. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the University, or a person similarly situated to a spouse of the victim;
 - b. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - c. Shares a child in common with the victim; or
 - d. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
 - e. Emotional and psychological abuse do not constitute violence for the purposes of this definition.
6. Stalking: Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.
7. Sexual Exploitation: The abuse or exploitation of another person's sexuality without consent, for the perpetrators own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Sexual Exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.
- v) Retaliation: Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by the university, a student, or an employee or other person authorized by the university to provide aid, benefit, or service under the university's education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.
- 1. The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing, and to any student who refuses to participate in an investigation, proceeding, or hearing and includes peer retaliation.
 - 2. Retaliation may occur even where there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.
- g. **Delegation of Duties Under This Policy:** Obligations in this policy assigned to a particular title, such as the Title IX Coordinator or Chief Human Resources Officer, may be designated as appropriate by the university, including to external professionals. Throughout the policy, "Title IX Coordinator/designee" will be noted, and the appropriate university official will be assigned to coordinate response on those items (based on the reported concerns that have been submitted).

- h. **Academic Freedom:** The university is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth. This policy and procedures are not intended to inhibit or restrict free expression or exchange of ideas, abridge academic freedom, or prohibit educational content or discussions inside or outside of the classroom that includes germane but controversial or sensitive subject matters protected by academic freedom. Members of the university community are free to express their views on any academic subject, regardless of whether those viewpoints are provocative or controversial. Before proceeding with or continuing an investigation of any report of harassment or retaliation that involves an individual's speech or other communication, the university will take care to distinguish between protected speech and hostile environment harassment. The Title IX Coordinator/designee will take action as needed to restore or preserve a person's access to the university's education program or activity. Thus, even where conduct might involve academic freedom, if the conduct creates a hostile environment the university will seek to take actions reasonably calculated to address the conduct short of a disciplinary process.
- i. **Title IX Coordinator:** The university is committed to promoting a diverse, equitable, and inclusive working and learning environment free from discrimination and harassment. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating the university's response, investigation, and resolution of all reports of Prohibited Conduct based on sex and under this Policy. The Title IX Coordinator acts with independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any student, employee, or other individual to discuss this policy or the accompanying procedures and can be contacted at:
- Title IX Coordinator
titleix@susqu.edu | 570-372-4302
- j. **Conflicts of Interest or Bias:** Any individual carrying out any part of this policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator/designee have a conflict of interest, they are to immediately notify the Chief Human Resources Officer who will either take, or reassign, the role of Title IX Coordinator/designee for purposes of carrying out the handling and finalization of the matter at issue. Should any Investigator, Decision-Maker, or Appeals Officer have a conflict of interest, the Investigator, Decision-Maker, or Appeals Officer is to notify the Title IX Coordinator/designee upon discovery of the conflict so that the Title IX Coordinator/designee may reassign the role as appropriate. This policy will note where parties have the opportunity to challenge the participation of any individual implementing this policy based on actual conflict of interest or demonstrated bias.
- k. **Crime and Incident Disclosure Obligations:** The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the university report the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, that occur in particular campus-related locations. The Clery Act also requires the university to issue a warning to the community in certain circumstances. In the statistical disclosures and warnings to the community, the university will take reasonable measures to ensure that a complainant's name and other identifying information is not disclosed. The Title IX Coordinator/designee will refer information to the Clery Officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.
1. **Consensual Relationship and Conflicts of Interest:** In the interest of maintaining high standards of ethical behavior in both professional and interpersonal relationships and of avoiding behavior that could interfere or could easily be construed to interfere with a faculty or staff member's professional responsibilities, Susquehanna University prohibits intimate sexual or romantic relationships between faculty or staff members and a student. Additionally, when an employee is in a situation of actual or potential conflict of interest, that individual must report the conflict immediately to their supervisor. The supervisor will work with the Human Resources office to resolve the issue. Please see the University's Conflict of Interest and Consensual Sexual or Romantic Relationships with Students Policy for further information.

2. Reporting Harassment and Discrimination

- a. **Employee Reporting Obligations:** The university believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of harassment or discrimination. All employees, with limited exceptions as identified by the university, are required to promptly provide to the Title IX Coordinator/designee all complaints or reports of sex discrimination and share all information reported or made available to the employee. If an employee in a supervisory capacity has direct knowledge of

an incident of harassment or discrimination on the part of, or directed toward, any employee of the community, that supervisor is required to bring the matter to the attention of the Title IX Coordinator/designee and/or the Chief Human Resources Officer.

- i) Researchers conducting IRB-approved human subjects research study designed to gather information about sex discrimination are not required to report to the Title IX Coordinator disclosures made in the course of that study.
 - ii) The university also encourages employees who themselves experience harassment, discrimination, sex-based harassment and sexual and interpersonal violence to bring their concerns to the Title IX Coordinator/designee, though they are not required to do so.
 - iii) When providing this information to the Title IX Coordinator/designee, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.
 - iv) Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with FERPA and other university expectations.
 - v) In addition, certain employees of the University are considered by law to be mandatory reporters of child abuse, elder abuse, or abuse of persons with disabilities. These university employees are required by law to report incidents of abuse. A fuller description of the mandatory child abuse reporting obligation and those covered by state obligations can be found in the university's Mandatory Reporting of Suspected Child Abuse Policy.
- b. **Public Awareness Events:** The university recognizes, along with the Office of Civil Rights (OCR), that public awareness events and education programs are best served by a higher level of confidentiality. Therefore, public awareness events such as "Take Back the Night" or other forums which students disclose experiences of sexual misconduct and gender-based violence are generally not considered notice to the university for the purpose of triggering an individual investigation unless the individual initiates a complaint. While the university generally will not take action based on information shared at public awareness events, if the university learns of information provided during such an event that indicates an imminent and serious threat to the health and safety of a complainant, any students, employees or other persons, the university may need to take action. The university may provide information about Title IX and available University and community resources and support at public awareness events. In addition, a Complainant may choose not to make a report in their own case, even if the Complainant would otherwise have reporting obligations. In all cases, information the university learns as a result of one of these events will be used to inform its efforts to prevent sex-based harassment.
- c. **How to Make a Report to the University:** All reports or complaints of violations of this policy will be taken seriously and in good faith. The Title IX Coordinator, Chief Human Resources Officer, and/or another campus designee (such as the Chief Inclusion and Diversity Officer), will provide information and guidance regarding how to file a complaint with the University and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the report or complaint.

- i) Every reasonable effort will be made to maintain the privacy of those making a report or complaint to the extent possible. In all cases, the university will give consideration to the party bringing forward a report or complaint with respect to how the matter is pursued. The university may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that the university not initiate an investigation.
- ii) Employees, students, guests, or visitors who believe that this policy has been violated should promptly contact the Title IX Coordinator, Chief Human Resources Officer, or their designee, as follows:

Title IX Coordinator

titleix@susqu.edu | 570-372-4302

[Online reporting form](#)

Deputy Title IX Coordinators

Stephanie Johnson, *Associate Director of Athletics Compliance and Title IX*

johnsonstephanie@susqu.edu | 570-372-4605

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

davisam@susqu.edu | 570-372-4590

Other University Leadership

Chief Human Resources Officer

humanresources@susqu.edu | 570-372-4024

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

munozm@susqu.edu | 570-372-4734

- iii) There is no timeline for making a report of harassment or discrimination, however, the university encourages the prompt reporting of a complaint as the ability of the university to pursue the complaint to conclusion may be hindered by the passage of time.
- d. **Amnesty:** A student or witness making a report to the Title IX Coordinator/designee may be eligible for Amnesty for drug or alcohol related violations of the Student Code of Conduct that occurred on or around the same time as the incident or that was in connection with the incident.
- e. **Privacy and Confidentiality:** The university values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.
- i) References made to privacy mean the university offices and employees who cannot guarantee confidentiality, but will seek to maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator/designee, who is responsible for tracking patterns and spotting systemic issues. The university will limit the disclosure as much as reasonably practicable.
- ii) All activities under these procedures shall be conducted with the privacy interests of those involved. While the university will take all reasonable steps to protect the privacy of individuals involved in a report or complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address those concerns or provide for the physical safety of an individual or the campus. Thus, the university cannot, and does not, guarantee that all information related to complaints will be kept confidential.
- iii) In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this policy will be provided for an in person review and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this policy.
- iv) Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians, clergy) may not report to Title IX Coordinator/designee any identifying information about conduct that may violate the university's policies against harassment and discrimination without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator/designee or initiate any process under this policy.
1. The university employs employees who are not required to report information about sex discrimination to the Title IX Coordinator:
 - a. Confidential Resources will not share information about an incident unless (1) given permission to do so by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.
 - b. At Susquehanna, Confidential Resources are limited to professional, licensed counselors, medical professionals, privileged victim advocates, and pastoral counselors who provide mental health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor).
 2. Confidential Resources will explain to any person who informs them of conduct that may reasonably constitute Prohibited Conduct that the employee is a confidential and not required to report the conduct to the Title IX Coordinator, explain how to contact the Title IX Coordinator and how to make a report or complaint of sex discrimination, and explain that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation.

- f. **Reporting to the Police:** Some Prohibited Conduct may constitute a violation of both criminal law and university policy. The university encourages everyone to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file with law enforcement shall not be considered as evidence that there was not a violation of university policy.
- i) Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Conduct may constitute Prohibited Conduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.
 - ii) Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a report or complaint is made to the university as well as to law enforcement, the university may delay its process if a law enforcement agency requests that the university delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.
 - iii) All investigations and hearings under this policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.
 - iv) In the case of an emergency, where the physical well-being of a member of the university community or the safety of the university as an institution is threatened, any individual with such knowledge should promptly inform the Director of Campus Safety or their designee. The university may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the University community and the university as an institution.

3. Responding To A Report

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

- a. **Initial Contact:** The Title IX Coordinator/designee will contact the complainant to meet for an initial intake and assessment meeting, and will provide the following:
 - i) An invitation to meet to offer assistance and explain their rights, provide resources, and share response options under this policy;
 - ii) Access to this policy;
 - iii) Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy;
 - iv) Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
 - v) The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution is initiated;
 - vi) The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
 - vii) The right to notify law enforcement as well as the right not to notify law enforcement;
 - viii) The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence;
 - ix) The right to an advisor of choice, if applicable, during the university proceedings under this policy including the initial meeting with the Title IX Coordinator/designee;
 - x) A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited.
- b. **Initial Intake & Assessment:** The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the parties. The Title IX Coordinator/designee may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility.

- i) If the individual bringing forward the report is not the actual complainant, the Title IX Coordinator/designee will limit communication to general information on policies and processes.
 - ii) Should the complainant wish to initiate a resolution process, the Title IX Coordinator/designee will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator/designee will communicate to the complainant this determination.
 - iii) If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator/designee will provide the complainant written notice that the matter is being referred for handling under a different policy and/or to another appropriate office for handling.
- c. **Requests for Confidentiality or No Further Action:** When a complainant requests that the University not use their name as part of any resolution process, or that the University not take any further action, the university will generally try to honor those requests. However, there are certain instances in which the university has a broader obligation to the community and may need to act against the wishes of the complainant. In such circumstances, the Title IX Coordinator/designee will notify the complainant in writing of the need to take action. The factors the Title IX Coordinator/designee will consider when determining whether to act against the wishes of a complainant include:
- i) The complainant's request not to proceed with initiation of a complaint;
 - ii) The complainant's reasonable safety concerns regarding initiation of a complaint;
 - iii) The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
 - iv) The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
 - v) The age and relationship of the parties, including whether the respondent is an employee of the university;
 - vi) The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
 - vii) The availability of evidence to assist a Decision-Maker in determining whether discrimination occurred;
 - viii) Whether the university could end the alleged discrimination and prevent its recurrence without initiating its grievance procedures under this policy; and
 - ix) Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents the university from ensuring equal access on the basis of sex to its education program or activity.
- d. **Emergency Removal:** For sex discrimination and sex-based harassment, the university retains the authority to remove a respondent from the University's program or activity on an emergency basis, where the university (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal, and (3) provides the respondent with notice of and an opportunity to challenge the decision immediately following the removal. This emergency removal will typically remain in place pending the university's conclusion of a formal grievance process. For all other Prohibited Conduct, the university may defer to its interim suspension policies for students and Disciplinary Action Policy for employees.
- i) The respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator/designee in writing and within 3 days of notification of emergency removal. The university will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.
- e. **Administrative Leave:** The university retains the authority to place an employee respondent on administrative leave during a pending complaint process under this policy, with or without pay as appropriate. Administrative leave may be a supportive measure, emergency removal, or consistent with applicable law. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

- f. **Dismissal of a Complaint:** Before dismissing a complaint, the university will make reasonable efforts to clarify the allegations with the complainant. The university may dismiss a complaint if: 1) The university is unable to identify the respondent after taking reasonable steps to do so; 2) The respondent is not participating in the university's education program or activity and is not employed by the university; 3) The complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator/designee declines to initiate a complaint; 4) The complainant voluntarily withdraws some but not all allegations in a complaint in writing, and the university determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy; or 5) The university determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this policy.
- i) Upon dismissal, the university will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the university will notify the parties simultaneously in writing.
 - 1. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator/designee will include that information in the notification.
 - ii) The university will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then the university will also notify the respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, the university will follow the procedures outlined in the Appeals section of these procedures.
 - iii) When a complaint is dismissed, the university will, at a minimum:
 - 1. Offer supportive measures to the complainant as appropriate;
 - 2. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and,
 - 3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator/designee to ensure that discrimination does not continue or recur within the university's education program or activity.
 - iv) A complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile the complaint.
- g. **Referrals for Other Misconduct:** The university has the discretion to refer reports and/or complaints of misconduct not covered by this policy for handling under any other applicable university policy or code. As part of any such referral for further handling, the university may use evidence already gathered through any process covered by this policy.
- i) Should there be a conflict between the provision of this policy and other university policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.
 - ii) This policy and these procedures are separate from the university's student disciplinary processes, by which the university may bring a discipline charge against a student for violating the University policy according to the provisions found in the university code of conduct.
 - iii) This policy and these procedures may also be separate from disciplinary processes for university personnel and the provisions found within these policies and procedures.
- h. **Consolidation of Cases:** The university may consolidate complaints under this policy as appropriate, such as when there are multiple complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple complaints with overlapping parties. The university also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged violation of Prohibited Conduct under this policy. The Title IX Coordinator/designee will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Life or Human Resources. However, allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.
- i. **Student Withdrawal or Employee Resignation while Matters are Pending:** If a student or employee respondent permanently withdraws or resigns from the university with unresolved allegations pending, the university will consider whether and how to proceed with the resolution process. The university will continue to address and remedy any systemic issues or concerns

that may have contributed to the alleged violation(s) and any ongoing effects of the alleged harassment, discrimination or retaliation.

- i) A student respondent who withdraws or leaves while the process is pending may not return to the university without first resolving any pending matters. Such exclusion applies to all the university campuses and programs. Admissions will be notified that the student cannot be readmitted. They may also be barred from the university property or events. If a student respondent withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to the university unless and until the matter is fully resolved.
- ii) An employee respondent who resigns with unresolved allegations pending is not eligible for rehire with the university and the records retained by the Title IX Coordinator/designee will reflect that status.

4. Options for Resolution

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

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

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

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

- i) Initiating the Agreement-Based Resolution Process: Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator/designee will provide the parties written notice that includes:
 1. The specific allegation and the specific conduct that is alleged to have occurred;
 2. The requirements of the Agreement-Based Resolution process;
 3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether the University could disclose such information for use in a future university grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;

4. Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal;
 5. Notice that once the Agreement is finalized and signed by the parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
 6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred;
 7. A statement that the respondent is presumed not responsible for violating this policy, unless the respondent admits to violations of this policy;
 8. An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or, in the case of Sex Based Harassment involving a student, an attorney;
 9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
 10. The date and time of the initial meeting with the Title IX Coordinator/designee, with a minimum of three (3) days notice;
 11. Information regarding Supportive Measures, which are available equally to the parties; and
 12. The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.
- ii) Facilitating an Agreement: If all parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator/designee will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator/designee does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator/designee may decide that the reported conduct will instead be addressed through the investigation or investigation and hearing process. The Title IX Coordinator/designee will inform the parties of such decision, in writing.
1. Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific parties in the matter. The Title IX Coordinator/designee may serve as the facilitator, subject to these restrictions. The Investigator or Decision-Maker for the matter may not facilitate an Agreement-Based Resolution in that same matter.
 2. Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:
 - a. an agreement that the respondent will change classes or housing assignments;
 - b. an agreement that the parties will not communicate, contact, or otherwise engage with one another, or will limit communication to only employment-related topics;
 - c. completion of a training or educational project by the respondent;
 - d. completion of a community service project by the respondent;
 - e. an agreement to engage in a restorative justice process or facilitated dialogue; and/or
 - f. discipline agreed upon by all parties.
 3. In order to facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.
- iii) Finalizing the Resolution Agreement: Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator/designee, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator/designee as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

1. Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

2. Any violations of the terms of the Resolution Agreement may result in disciplinary action.

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

i) **Acceptance of Responsibility:** If a respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct where responsibility was not taken, if any.

ii) **Assignment of the Investigator and/or Decision-Maker:** The university will assign a trained Investigator and/or Decision-Maker to conduct an adequate, reliable, and impartial investigation and hearing, if applicable, in a reasonably prompt timeframe. The university reserves the right to utilize internal or external Investigators, Decision-Makers, or Hearing Officers.

1. All parties have the option to participate in the investigation and/or hearing, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator providing the final report to the Decision-Maker (when evidence review is allowable by this Policy).

2. In cases where there is a hearing, all parties have the same rights at the hearing, including the right to review any evidence that will be considered by the Decision-Maker prior to the hearing.

3. The Investigator will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.

iii) **Conflict of Interest or Bias:** After a Notice of Investigation and Allegations is issued to all parties, any party may object to the participation of the Title IX Coordinator/designee or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation and Allegations to object to the selection of the Investigator or the Title IX Coordinator/designee.

1. Objections to the Title IX Coordinator/designee are to be made, in writing, to the Chief Human Resources Officer.

2. Objections to the appointment of the Investigator are to be made in writing, to the Title IX Coordinator/designee. All objections will be considered, and changes made as appropriate.

3. If the objection is substantiated as to either the Title IX Coordinator/designee or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

iv) **Timeline:** In those cases that do not include a hearing, the University strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation and Allegations. In those cases that include a hearing, the University strives to complete the investigation process within sixty (60) days from the date of the Notice of Investigation and Allegations, and complete the hearing within sixty (60) days following the Notice of Hearing.

1. The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator/designee. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing.

a. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials. School break periods may also affect the timing of resolution.

2. The university shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

3. The Investigator and/or Title IX Coordinator/designee shall provide the parties with periodic status updates, in writing.

v) **Burden and Standard of Review:** The university has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the University and does not indicate responsibility. The standard of proof used in any

investigation and decision-making process is the preponderance of the evidence standard, which means more likely than not.

vi) Written Notice of Meetings: The university will provide to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

vii) Evidence Gathering

1. Interviews: The Investigator will seek to interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

2. Impermissible Evidence: The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the university to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

- a. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- b. Evidence provided to an employee designated by the university as exempt from internal reporting under this policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
- c. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- d. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

d. Investigation & Decision-Making Procedures for All Prohibited Conduct Except Sex-Based Harassment Involving a Student Party: This procedure is for all matters of Prohibited Conduct being investigated and determined under this policy *except for sex-based harassment involving a student as a party.*

i) The university will assign a trained Investigator and/or Decision-Maker to conduct an adequate, reliable, and impartial investigation and hearing. The university reserves the right to utilize internal or external Investigators and Decision-Makers. All parties have the option to participate in the investigation, and each have the same rights during the resolution process, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator/Decision-Maker making any findings.

ii) Notice of Investigation and Allegations: Prior to the start of an investigation, the parties will be provided with a written Notice of Investigation and Allegations communicating the initiation of an investigation into alleged violations of conduct prohibited by this Policy. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation and Allegations shall be provided to all parties. The Notice shall include, at a minimum:

1. The University's resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures;
 2. The specific allegations, including the identity of the parties, and dates and location if known;
 3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
 4. A statement that Retaliation is prohibited;
 5. Contact information for the assigned Investigator and Decision-Maker, as well as the process for raising a challenge to the appointed Investigator, Decision-Maker, or Title IX Coordinator/designee, and the deadline for doing so.
 6. Expected length of the major stages of the resolution process, as well as any applicable deadlines.
 7. Whether the Investigator, or another individual, shall serve as the Decision-Maker.
 8. A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decision-making procedures, and that prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-Maker;
 9. That the parties may have an advisor of their choice who may be a parent, colleague, friend, or, in the case of Sex Based Harassment involving a student, an attorney;
 10. That the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
 11. A statement that the university prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, with a link to the relevant policy(ies); and
 12. The date and time of the initial interview with the Investigator, with a minimum of five (5) days notice.
- iii) Individual Interviews: The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the Investigator and the party or witness may attend their individual interview. A party's advisor may attend their advisee's meetings, subject to the rules described in this policy. Additional attendees may be permitted only at the discretion of the Title IX Coordinator/designee in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings and may be subject to further the University discipline for failure to abide by this expectation.
1. The university may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties.
 2. The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the university's discretion, with all participants joining virtually through a video conferencing option.
 3. The university will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties, their advisors, and witnesses. The university has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable the university rules.
- iv) Evidence Review: At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered, when this evidence review is allowable under this policy.
1. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence, or names of witnesses. Given the sensitive nature of the information provided, the university will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who

fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to disciplinary action and/or may be excluded from further participation in the process.

2. The parties will have a minimum of five (5) days to inspect and review the evidence and submit a written response in writing to the Investigator. The university will provide access to copies of the parties' written responses to the Investigation to all parties and their advisors, if any. The Title IX Coordinator/designee shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.
 3. At the conclusion of the evidence review, when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary.
 - a. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their advisors. The parties shall have five (5) days to provide a response to the newly gathered evidence.
 - b. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.
 4. The Investigator will consider the parties' written responses before finalizing the investigation report.
 5. The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached.
- v) Investigation Report: The Investigator, who will also serve as the Decision-Maker, shall evaluate the relevant and not impermissible evidence and make a factual determination regarding each allegation, and also determine whether a violation of the policy occurred. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The Investigator will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to questions. The Investigator shall prepare a report which shall include:
1. A description of the allegations of Prohibited Conduct;
 2. Information about the policies and procedures used to evaluate the allegations;
 3. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
 4. An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
 5. Findings of fact for each allegation, with rationale; and
 6. Conclusions regarding which section of this policy or other the university policy, if any, the respondent has or has not violated, with rationale.

This report shall be provided to the Title IX Coordinator/designee. In the event that the Decision-Maker has determined that a violation of university policy has occurred, the Title IX Coordinator/designee shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, and the Title IX Coordinator/designee shall then determine the appropriate remedy(ies) for the complainant and any impacted parties.

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

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

- i) **Notice of Investigation and Allegations:** Prior to the start of an investigation, the parties will be provided a written Notice of Investigation and Allegations communicating the initiation of an investigation into alleged violations of prohibited conduct pursuant to this Policy. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation and Allegations shall be provided to all parties. The Notice shall include, at a minimum:
1. The University's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
 2. Information about the agreement-based resolution process, with a link to the full procedures;
 3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
 4. A statement that retaliation is prohibited;
 5. Whether the Investigator, or another individual, shall serve as the Decision-Maker;
 6. Expected length of the major stages of the resolution process, as well as any applicable deadlines;
 7. That the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness;
 - i. These deadlines may be extended by the Title IX Coordinator/designee for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
 8. The process for raising a challenge to the appointed resolution officer or Title IX Coordinator/designee, and the deadline for doing so;
 9. A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process, and that, prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-Maker;
 10. That the parties may have an advisor of their choice who may be a parent, colleague, friend, or, in the case of Sex Based Harassment involving a student, an attorney;
 11. That the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and any investigation report that accurately summarizes this evidence;
 12. That the university prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, making false statements or knowingly submitting false information during the grievance procedures; and
 13. The date and time of the initial interview with the Investigator, with a minimum of five (5) days notice.
- ii) **Individual Interviews:** The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request from the parties the names of relevant witnesses and relevant evidence. Only the Investigator and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator/designee in connection with an approved disability-related accommodation.
1. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the grievance process and may be subject to further the University discipline for failure to abide by this expectation.
 2. The Investigator will then gather from parties, witnesses, and other sources, all relevant evidence as determined by the Investigator.
 3. The university will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties, advisors, and witnesses. The university has the

- discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable the university rules.
4. The individual interviews may be conducted with all participants in the interview physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option. The Investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.
- iii) Investigator Determination of Relevance: The Investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings. The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence that is not relevant will not be considered.
- iv) Evidence Review: At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered.
1. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses.
 2. Evidence not provided during the investigation process will not be considered by the Decision-Maker.
 3. Given the sensitive nature of the information provided, the university will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to disciplinary action. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.
 - i. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.
 4. The parties will have a minimum of five (5) days to inspect and review the evidence and submit a written response in writing to the Investigator. The Title IX Coordinator/designee shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.
 5. When deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors.
 - i. The parties shall have 5 days to provide a response to the newly-gathered evidence.
 - ii. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.
 6. The Investigator will consider the parties' written responses before finalizing the investigation report.
 7. Investigation Report: The Investigator will prepare a written report summarizing all of the relevant evidence gathered and all steps taken during the investigation process. The Investigator will also include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes.
- v) Conclusion of Investigation, Notice of Hearing: Once the investigation report is final, the report together with all attachments shall be provided to each party and to their advisor, if any, in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Each party shall have ten (10) days to provide a response to the final report. The response, if any, shall be provided to the Hearing Officer.
1. Following conclusion of the investigation, each party shall be provided with a Notice of Hearing, which will include

information regarding the date of the hearing, the identity of the Hearing Officer, the process to be used at the hearing, deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure they are relevant to the allegations.

- i. The hearing shall be scheduled no less than ten (10) days from the date of the Notice of Hearing.
 2. Within three (3) days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator/designee. Should the Title IX Coordinator/designee determine that there is an actual bias or conflict of interest, the Title IX Coordinator/designee shall remove the Hearing Officer and appoint another.
- vi) Hearing Procedures: The purpose of a hearing is for a Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. The university expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias.
1. Hearings may be conducted in person or via videoconferencing.
 2. The Title IX Coordinator/designee may determine that the hearing will continue in the absence of any party or any witness.
 3. The university will appoint a Hearing Officer, who may be but does not have to be the same person as the Title IX Coordinator/designee or Investigator, who will determine whether a violation of the university policy has occurred.
 4. The Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing.
 5. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.
 6. Each hearing shall be recorded by the University and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the university but shall be available for listening until the conclusion of the appeals process to complainant, respondent, their respective advisors, Hearing Officer, and Appeal Officer by contacting the Title IX Coordinator/designee.
 7. Prior to the Hearing: The parties and the Hearing Officer all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) days in advance of the hearing.
 - i. Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Hearing Officer will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.
 - ii. A list of witnesses approved by the Hearing Officer will be provided to the parties at least three (3) days prior to the hearing.
 - iii. Three (3) days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing.
 1. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Officer must give a party an opportunity to clarify or revise any question that the Hearing Officer has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.
 8. Advisor: Each party is entitled to be accompanied by one advisor at the hearing. The role of the advisor is to assist the party with understanding and navigating the proceedings. The advisor may not advocate for, respond for, or

otherwise speak on behalf of a party during the hearing. In the event that a party does not appear for the Hearing, the advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.

9. Hearing Participation Guidelines: The Hearing Officer shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and, when necessary, to adjourn the hearing or exclude the disruptive person.

- i. In the event the Hearing Officer removes an advisor, the Hearing Officer will have the discretion to appoint another advisor, in consultation with the party, for the remainder of the hearing.
- ii. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.
- iii. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

10. Statements, Questioning and Presentation of Evidence: During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call parties and witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the parties and witnesses including the questions the Hearing Officer approved to be asked that were submitted by each party prior to the hearing. Each party will then be provided an opportunity to submit follow-up written questions to the Hearing Officer for the Hearing Officer to pose to the other party or witnesses.

- i. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted but off an opportunity to the party to reframe the question..
- ii. Only the Hearing Officer is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.
- iii. Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their party.

vii) Hearing Officer's Report: Following the hearing, the Hearing Officer shall prepare a determination report. All findings shall be made by a preponderance of the evidence standard, meaning that the incident is more likely than not to have occurred. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as complainant, respondent, or witness. The determination report will include:

1. A description of the sex-based harassment;
2. A reference to the policies and procedures used to evaluate the allegations;
3. A description of all procedural steps taken to date;
4. The Hearing Officer's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
5. Determinations for each allegation, with the rationale for determination;
6. Sanction determination (if applicable);
7. Whether remedies will be provided; and
8. The procedures for an appeal.

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

viii) Sanctioning: If there is a finding of responsibility, the Title IX Coordinator/designee shall contact the appropriate sanctioning officer who will determine the sanction and notify the Title IX Coordinator/designee of the sanctioning determination. The Title IX Coordinator/designee will then provide each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome regarding the Hearing Officer's decision, including the Hearing

Officer's report. The Title IX Coordinator/designee will also provide written communication to the complainant regarding any appropriate remedies.

- ix) Failure to Complete Sanctions: All responding parties are expected to comply with sanctions within the timeframe specified by the university. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator/designee stating the reasons for needing additional time. Failure to follow through on sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions, such as suspension, expulsion, termination, or a transcript notation.

5. Appeals

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

6. Record Retention

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

7. Additional Enforcement Information

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

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

U.S. Department of Education Office for Civil Rights

400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Telephone: 800-421-3481
TDD#: 877-521-2172

Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

U.S. Equal Employment Opportunity Commission (EEOC)

EEOC Philadelphia
District Office 801 Market Street, Suite 1000
Philadelphia, PA 19107-3126

Telephone: 800-669-4000
TTD: 800-669-6820
ASL Video Phone: 844-234-5122

Email: PDOcontact@eeoc.gov
Web: <https://www.eeoc.gov/contact-eeoc>

8. Policy Review & Revision

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

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

9. Key Definitions

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

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

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

- a. Coercion refers to unreasonable pressure for sexual activity. When someone indicates that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person, or their withdrawal of consent, is a form of coercion. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity
- b. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

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

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

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

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

- a. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
- b. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Past consent does not imply future consent. A current or previous dating relationship is not sufficient to constitute consent.
- c. The existence of consent is based on the totality of the circumstances, evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred. Silence or the absence of resistance alone is not consent. In Pennsylvania, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity except in limited circumstances dictated by law.
- d. Consent can be withdrawn at any time during sexual activity through reasonable and clear communications, expressed by words or actions. When consent is withdrawn, sexual activity must stop.
- e. Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

► **Primary Conduct Sanctions:**

- **Disciplinary Reprimand:** A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action, including disciplinary probation.
- **Disciplinary Probation:** A trial period during which a student and/or organization must behave in a manner acceptable to the university. This period can include exclusion from participation in privileged or co-curricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Policy, the Student Code of Conduct, or other relevant university policies during the period of probation, will normally result in suspension or expulsion from the university. Under the

status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate university officials. Disciplinary probation status may also affect qualifications for some awards, prizes or financial aid, particularly those stipulating conduct acceptable to the university. Disciplinary Probation can affect a student's ability to apply for or participate in GO Programs. Disciplinary

- **Deferred Suspension:** The sanction of deferred suspension may be placed in deferred status for a limited period of time. During this period of time, the student is on notice that any further violations of this Policy or the Code of Student Conduct will result in the suspension that was originally defined becoming effective immediately without further review. Deferred Suspension may not be imposed for longer than one regular semester. If this sanction is imposed during a semester, it may be imposed for the remainder of that semester and one additional semester.
 - **Disciplinary Suspension:** Temporary separation from University premises, and other privileges or activities, as set forth in the suspension notice. Students/organizations who are suspended are not permitted to participate in any university activities, academic or non-academic, during the suspension timeframe. They may not take part in any official exercise, including commencement. Suspended students are not allowed on premises during their suspension unless prior approval has been granted by the Vice President for Student Life/designee. Any request for the privilege of visiting Susquehanna during the suspension must be received in writing at least five (5) days prior to the requested date. The submission of a request does not guarantee approval. Students requesting the privilege may be asked to meet with a university official to describe this request. Decisions regarding the request will be communicated to the student and appropriate university official.
 - **Expulsion:** Permanent termination of student and/or organizational status and exclusion from university premises, privileges, and activities including, but not limited to: receipt of University degree, registration, class attendance, residence in university-owned housing and use of university facilities. A student and/or organization who has been expelled is not eligible for readmission and/or re-establishment. Students expelled from the university are not allowed on university premises and will receive a No Trespass Order from the Office of Campus Safety. Expulsion will be kept on file with the university, will remain in the student's record permanently, and will be reflected on all future transcripts.
- ▶ **Secondary Conduct Sanctions:**
- **Restriction or Revocation of Privileges:** The determination to withdraw a privilege, use of a service, participation in a program, event or activity for a specific period of time. The loss of privilege may prohibit a student or student organization from being released to live off-campus, or from participating in off-campus study (GO Program), co-curricular or athletic activities where the Individual(s) represents the university. Restrictions include, but are not limited to, registering or taking part in organizational or university social activities, the use of a particular university facility, guest privileges or parking privileges.
 - **Restitution:** Repayment to the university or to an affected party for damages resulting from a violation of this code. Restitution can occur at any level.
 - **Educational Sanctions:** In cases where it is appropriate, a Respondent may be required to participate in and/or complete educational sanctions to help prevent future instances of prohibited conduct. This can include online modules and/or in-person meetings with an appropriate facilitator.
 - **Additional Sanctions:** Additional sanctions may be imposed. Service, research projects or educational programs or activities, including but not limited to, an educational seminar, a treatment program for alcohol or drug abuse, or psychological assessments may also be assigned. Parents may be notified to the extent permitted by law.

Possible sanctions and disciplinary steps for staff and faculty respondents include but are not limited to: written warning(s), suspension, change in duties, workplace changes or termination. Other relevant sanctions and disciplinary steps are listed in the staff Disciplinary Actions Policy and Faculty Handbook.

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

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

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

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

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

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

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

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

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

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

10. Resources

- a. **Confidential Resources:** Confidential Resources will not share information about an incident unless (1) given permission to do so by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order. Confidential Resources are limited to professional, licensed counselors, medical professionals, privileged victim advocates, and pastoral counselors who provide mental health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor).
 - i) Counseling & Psychological Services, 606 University Ave. Selinsgrove, PA | 570-372-4751 (24/7)
 - ii) University Chaplain, Degenstein Campus Center / Weber Chapel | 570-372-4220
 - iii) Director of Jewish Life, Hillel House | 570-372-4440
 - iv) Campus Victim Advocate, Violence Intervention and Prevention Center / Transitions of PA
570-490-2698 (business hours) | 800-850-7948 (24/7)
 - v) Student Health Center, 620 University Ave. Selinsgrove, PA
570-372-4385 (business hours) | 570-374-9164 (after hours)
 - vi) Employee Assistance Program | workhealthlife.com/Standard3 | 888-293-6948 | TDD: 800-327-1833
- b. **Non-Confidential Resources:** All university employees have a duty to report, unless they fall under the "Confidential Resources" section as noted above. A complainant may want to consider whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee (who is considered a third-party reporter) with the Title IX Coordinator/designee or Chief Human Resources officer. Employees must share all the details of the reports they receive.

11. Links With Other Policies

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

12. Exclusions And Special Situations

Not Applicable

13. Policy Contact(s)

Responsible Office: Office of Title IX/Human Resources

Policy Author: Title IX Coordinator

Email: titleix@susqu.edu

Phone: 570-372-4302

14. Policy History

Original Policy: August 1, 2024

Revised: NA

Most Recent Revision Posted: NA

APPENDIX A: THE VIOLENCE AGAINST WOMEN'S ACT (VAWA)

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

Summary of the Major Provisions of This Regulatory Action

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

institution's policies and procedures after a sex offense occurs.

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

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

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

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

Dating Violence: Violence committed by a person:

- ▶ Who is or has been in a social relationship of a romantic or intimate nature with the victim.
- ▶ Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship.

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

- ▶ Is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim.

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

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

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

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

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

APPENDIX B: VISA/IMMIGRATION ASSISTANCE

Support Available on the Susquehanna University Campus

Global Opportunities Program
GO Office, 514 University Ave.
570-372-4697

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

Immigration Support Service
2215 Millennium Way, Enola, PA 17025
800-437-7313

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

APPENDIX C: EMERGENCY RESOURCES

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

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

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

Located at: 100 West Pine Street Selinsgrove, PA 17870

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

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

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

Call: 570-522-2770

Located at: One Hospital Drive, Lewisburg, PA 17837

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

POLICY AND PROCEDURES FOR ADDRESSING SEX AND GENDER-BASED DISCRIMINATION AND HARASSMENT

Updated September 5, 2022. Effective through July 31, 2024.

Updated and consolidated August 1, 2024, into TITLE IX, BIAS, HARASSMENT, AND DISCRIMINATION POLICY (See Appendix A).

I. POLICY STATEMENT

Susquehanna University is committed to fostering a living, learning and working environment free of discrimination and harassment. The University is subject to Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §§1681, et seq., which states that "[n]o 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." Susquehanna University does not discriminate on the basis of sex and will not tolerate sex and gender-based discrimination or harassment in any form, including sexual harassment as defined by Title IX, Susquehanna University's community standards or other University policies. Susquehanna University's complete Notice of Anti-Harassment and Non-discrimination policy is available at <https://mysu.susqu.edu/HRPR/Pages/default.aspx>.

II. SCOPE OF POLICY

The core purpose of this policy is the prohibition of all forms of discrimination. This Policy and Procedures for Addressing Sex and Gender-Based Discrimination and Harassment applies to all faculty, staff, and students.

Alleged discrimination and harassment, defined as Prohibited Conduct (see Section VI), subject to this Policy includes both Title IX Sexual Harassment (which is defined by law) and, with respect to the conduct of students, other definitions of sex and gender-based discrimination (which include allegations that do not meet the definitions under current Title IX regulations) as discussed further in Definitions (see Section V) and Prohibited Conduct (see Section VI) below.

Allegations of sex discrimination, sexual harassment and other forms of sexual misconduct on the part of faculty, staff, volunteers or contractors not constituting Title IX Sexual Harassment are subject to the University's Anti-Harassment and Non-Discrimination Policy for employees and not this Policy.

The procedures below may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed and investigated in accordance with this Policy.

III. TITLE IX AND THE TITLE IX COORDINATOR

The following individuals are responsible for coordinating Susquehanna University's efforts to comply with Title IX and this Policy:

Sarah Olejniczak, *Interim Title IX Coordinator*

570-372-4302 | olejniczak@susqu.edu | titleix@susqu.edu | Student Life

Grace Lowry, *Deputy Title IX Coordinator for Employees and Senior Director of Human Resources*

570-372-4157 | lowryg@susqu.edu | Selinsgrove Hall

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

570-372-4590 | davisam@susqu.edu | Degenstein Campus Center

Stephanie Johnson, *Deputy Title IX Coordinator and Associate Director of Athletics*

570-372-4605 | johnsonstephanie@susqu.edu | Garrett Sports Complex

Please contact any of the above with questions regarding Title IX or this Policy. The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party.

1. This policy is based on the ATIXA 2022 One Policy, Two Procedures Model. ©2022 ATIXA. Used with permission.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the Vice President for Student Life and Dean of Students. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

For complaints involving student conduct, questions may be directed externally to:

Assistant Secretary for Civil Rights**U.S. Department of Education Office for Civil Rights**

400 Maryland Avenue, SW, Washington, D.C. 20202-1100

Telephone: 800-421-3481

TDD#: 877-521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

For complaints involving employee-on-employee conduct, questions may be directed externally to:

Equal Employment Opportunity Commission (EEOC) Philadelphia District Office

801 Market Street, Suite 1000, Philadelphia, PA 19107-3126

Telephone: 800-669-4000 / 267-589-9700

TTD: 800-669-6820

ASL Video Phone: 844-234-5122

Email: PDOCContact@eeoc.gov

Web: <https://www.eeoc.gov/field-office/philadelphia/location>

IV. JURISDICTION

In order to constitute Title IX Sexual Harassment, the alleged misconduct must have occurred (i) in the United States, and (ii) in Susquehanna University education program or activity, which is defined as locations, events or circumstances over which Susquehanna University exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by the university.

For conduct other than Title IX Sexual Harassment, the university may also extend jurisdiction to additional conduct, including off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial university interest. A substantial university interest includes:

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

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, the University can assist in contacting local or institutional law enforcement if the individual would like to file a police report (see Section XVIII(E)).

Further, even when the Respondent is not a member of the university's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator. When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

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

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers as well as university policy, when applicable. In addition, the university may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from the university's property and/or events.

The university has set forth its specific processes for implementing this Policy through the accompanying Title IX-related procedures.

V. DEFINITIONS

Terms used in this Policy have the following meanings:

Advisor: An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent, subject to the provisions of Section XIII(D).

Appeal Decision-Maker: The individual responsible for determining an appeal under Section XV(K). The Appeal Decision-Maker may be Susquehanna University employee or an external contractor. The Appeal Decision-Maker will not be the Title IX Coordinator, nor the Investigator nor Decision-Maker who were assigned to the matter that is the subject of the Appeal.

Complainant: An individual who is alleged to be the victim of Prohibited Conduct (see Section VI), including sexual harassment, identified in this policy.

Consent: A knowing, voluntary and mutual decision among participants to engage in sexual activity, as discussed and further defined in Section VII.

Decision-Maker: The individual responsible for conducting the Hearing under Section XV(H), reaching a decision on responsibility and assigning sanctions, if appropriate. The Decision-Maker may be a Susquehanna University employee or an external contractor. The Decision-Maker shall not be the university's Title IX Coordinator, nor the Investigator who investigated the matter that is the subject of the Hearing.

Education Program or Activity: locations, events, or circumstances where Susquehanna University exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the university.

Formal Complaint: A document submitted by a Complainant and bearing the Complainant's physical or digital signature, or otherwise indicating that the Complainant is the one filing the Formal Complaint, requesting that the University investigate the allegations of Prohibited Conduct. The Title IX Coordinator also may sign a Formal Complaint, as discussed in Section XIII, but does not become the Complainant by doing so.

Formal Resolution Process: A method of formal resolution designated by the University to address conduct that falls within the policies included below.

Informal Resolution Facilitator: The individual responsible for facilitating Informal Resolution, as discussed in Section XIV. The Informal Resolution Facilitator may be a Susquehanna University employee, including the Title IX Coordinator, or an external contractor.

Investigator: The individual responsible for conducting the investigation of alleged Prohibited Conduct, as discussed in Section XV(A). The Investigator is required to assess relevance, synthesize the evidence and compile information into an investigation report of Relevant Evidence and share information as provided by this Policy. The Investigator may be a Susquehanna University employee or an external contractor. The Title IX Coordinator may serve as the Investigator.

Party or Parties: Party refers to a Complainant or a Respondent. Parties refers to Complainant and Respondent collectively.

Prohibited Conduct: Behavior and/or conduct that is prohibited by this Policy. It includes Title Sexual Harassment definitions and other forms of sex and gender-based discrimination and harassment as defined in Section VI.

Relevant Evidence: Evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.

Respondent: An individual who has been reported to have engaged in any form of Prohibited Conduct, including sexual harassment or an organization that has been reported to have engaged in other forms of sex and gender-based discrimination and harassment as defined in Section VI.

Witness: A person who has provided information to the Investigator about the events in question. Employees who do not have 12-month contracts but have been identified as a witness and are requested to cooperate with an Investigator or be present for a hearing are still expected to participate in the Formal Resolution Process that may occur during months between contracts.

VI. PROHIBITED CONDUCT

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial, or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited discrimination and harassment. When speech or conduct is protected by academic freedom and/or freedom of expression as defined by applicable law or university policy, it will not be considered a violation of the University's Policy, though supportive measures will be offered to those impacted.

A. Discrimination on the Basis of Sex

Discrimination on the basis of sex under this Policy is defined as actions that deprive members of the community of educational or employment access, benefits or opportunities on the basis of sex, gender, pregnant/parenting status, gender identity or expression or sexual orientation.

Reported incidents of discrimination that do not meet the threshold of deprivation of access, benefits, or opportunities may be addressed via the University's Anti-Harassment and Non-Discrimination Policy.

B. Title IX Sexual Harassment

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

The university has adopted the following definitions of sexual harassment in order to address the unique environment of an academic community.

1. **TIX Sexual Harassment:** An umbrella category, including the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all formal complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual harassment includes conduct on the basis of sex², or that is sexual in nature, that satisfies one or more of the following:
 - a. **Quid Pro Quo:** An employee of the university, implicitly or explicitly conditions the provision of an aid, benefit, or service of the university, on an individual's participation in unwelcome sexual conduct
 - b. **Hostile Environment:** Unwelcome conduct determined by a reasonable person to be so severe and pervasive, and objectively offensive that it effectively denies a person equal access to Susquehanna University's or educational program or activity.³
2. **TIX Sexual Assault:** Includes any of the following:
 - a. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the alleged victim.
 - b. The touching of the private body parts (buttocks, groin, breasts, vulva) of another person for the purpose of sexual gratification without the consent of the alleged victim.

2. Including gender identity, gender expression, sexual orientation, and sex stereotypes.

3. Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. This definition is broad enough to potentially encompass forms of sex-based disparate treatment, even if not harassing in nature.

- c. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Non-forcible sexual intercourse with a person who is under the statutory age of consent.
3. **TIX Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.⁴
 4. **TIX Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.
 5. **TIX Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

C. Community Standards Sexual Harassment

Applies to conduct that occurs outside of Title IX Sexual Harassment jurisdiction requirements and affects a substantial University interest as determined by the Title IX Coordinator. This may include:

1. **Sexual Harassment:** Unwelcome conduct determined by a reasonable person to be severe or pervasive and objectively offensive that unreasonably interferes with, limits or effectively denies a person equal access to Susquehanna's program or activity.
2. **Sexual Assault:** Includes any of the following:
 - a. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the alleged victim.
 - b. The touching of the private body parts (buttocks, groin, breasts, vulva) of another person for the purpose of sexual gratification without the consent of the alleged victim.
 - c. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

4. Economic abuse in the context of domestic [and] dating violence means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to: restrict a person's access to money, assets, credit, or financial information; unfairly use a person's personal economic resources including money, assets, and credit, for one's own advantage; or exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty (VAWA, 34 U.S.C. 12291).

5. Economic abuse in the context of domestic [and] dating violence means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to: restrict a person's access to money, assets, credit, or financial information; unfairly use a person's personal economic resources including money, assets, and credit, for one's own advantage; or exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty (VAWA, 34 U.S.C. 12291).

3. **Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.⁵
4. **Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.
5. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
6. **Sexual Exploitation, defined as:**
 - a. An individual taking non-consensual or abusive sexual advantage of another;
 - b. For their own benefit or for the benefit of anyone other than the person being exploited; and
 - c. That conduct does not otherwise constitute Sexual Harassment under this Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child pornography

D. **Retaliation** as defined in Section VIII

E. **Online Harassment and Misconduct**

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

The university reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion, for any violation of this Policy for students. The university also reserves the right to impose any level of sanction, ranging from a reprimand up to and termination, for any violation of Title IX Sexual Harassment violations for employees. More information on Sanctions can be found in Section XV(J).

VII. CONSENT

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

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

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

For purposes of this Policy, consent is present when words or actions manifest a knowing, active, voluntary, and present agreement to engage in specific sexual or intimate contact.⁶ When determining whether consent was present, the University will consider whether a reasonable person(s) in the same position as the Respondent(s) knew, or reasonably should have known, whether a Complainant was able to freely give consent and whether consent was given. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent.

Knowing: Consent must demonstrate that all individuals understand, are aware of, and agree to the "who" (same partners), "what" (same acts), "where" (same location), "when" (same time), and "how" (the same way and under the same conditions) of the sexual activity. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.

Active: Consent must take the form of words or actions that reveal one's expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a "no") should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual's manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location or going on a date.

Voluntary: Consent must be freely given and cannot be the result of respondent's coercion. Coercion is the use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

Present: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to present sexual acts; similarly, consent to one type of sexual activity does not imply consent to all sexual activity. Consent may also be withdrawn at any time, provided the person withdrawing consent makes that known in words or actions.

6. The Consensual Sexual or Romantic Relationships with Students Policy is an additional policy that applies to faculty and staff and prohibits intimate or romantic relationships with students.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM⁷ or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, thus the university’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation

Consent cannot be obtained from an individual who is incapacitated, where a reasonable, sober person initiating sexual activity would have known or reasonably should have known that the individual was incapacitated. An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to Consent. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Incapacitation is a state beyond drunkenness or intoxication, where an individual cannot make a knowing and deliberate choice to engage in the sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, the inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. An individual also may be incapacitated due to a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Consent may be withdrawn by any party at any time. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. Consent is automatically withdrawn when a party is no longer capable of consenting. Once Consent is withdrawn, the sexual activity must cease immediately. Consent must be re-established before resuming any sexual activity. Consent to one form of sexual activity does not, by itself, constitute consent to another form of sexual activity. Consent to sexual activity on one occasion does not constitute consent to sexual activity on other occasions. An individual’s use of alcohol or drugs does not diminish that individual’s responsibility to obtain Consent.

VIII. RETALIATION

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

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

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

Filing a complaint under a different conduct process or filing a counter complaint could be considered retaliatory if those allegations are made for the purpose of interfering with or circumventing any right or privilege provided afforded within the formal resolution/grievance process. Therefore, the University carefully vets all complaints to ensure this does not happen, and to ensure that complaints are routed to the appropriate process.

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

Pursuing a code of conduct violation for making a materially false statement in bad faith in the course of a formal resolution process under this Policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

7. Bondage, discipline/dominance, submission/sadism, and masochism.

IX. REPORTING

Any person at the university is encouraged to report conduct constituting possible Prohibited Conduct by: (a) reporting directly to the Title IX Coordinator, Deputy Title IX Coordinator(s) or any other Official with Authority as defined in Section IX(D) in person, by mail, by telephone, or by email or (b) completing the online⁸ reporting form available at: www.susqu.edu/title-ix.

The Title IX Coordinator or designee will promptly contact the Complainant to discuss the availability of Supportive Measures (see Section XI) and to explain the process for filing a Formal Complaint.

Complainants are encouraged, but not required, to proceed with a Formal Complaint. If the Complainant desires to proceed with a Formal Complaint, the Title IX Coordinator or designee will begin the Formal Resolution Process (see Section XV).

Because reporting carries no obligation to initiate a formal response, and because the university respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the university to discuss and/or provide supportive measures. A Complainant is not required to submit a Formal Complaint to receive Supportive Measures.

As used in this Policy, the term "Formal Complaint" means a document or electronic submission, through an online portal provided by the University, that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the university investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

A. Anonymous Reporting

With the exception of Officials with Authority and Responsible Employees, discussed in Section IX(D), any individual may anonymously report allegations of Prohibited Conduct via the online reporting form available at: <https://www.susqu.edu/title-ix>. This form goes directly to the Title IX Coordinator(s). Depending on the level of information available about the incident or the individuals involved, the university's ability to respond to an anonymous report may be limited, but the Title IX Coordinator will conduct an initial assessment. Anonymous reports that do not require additional investigation are used for aggregate reporting. The university will, however, take whatever steps it deems appropriate and in the best interests of the overall university community, consistent with the information available.

B. Confidential Resources

Confidential Resources will not share information about an incident unless (1) given permission to do so by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

At Susquehanna, Confidential Resources are limited to professional, licensed counselors, medical professionals, privileged victim advocates, and pastoral counselors who provide mental health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor). Following is contact information:

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

⁸ Only individuals with explicit authorization from SU (based on their role and official duties) may enter, update, access, share or disseminate electronic data related to incidents of sexual misconduct and gender-based violence via the online reporting form. Any information shared outside of the institution will be documented. SU immediately and permanently revokes authorization if an individual enters, shares, updates or disseminates data in violation of this policy (PA Senate Bill 295, 2019, P.L.30, No.14).

C. Reports to Officials with Authority and Responsible Employees

There may be instances when a student or employee discloses alleged Prohibited Conduct to an employee of Susquehanna University. Whether that disclosure constitutes actual notice to the university triggering its response obligations under this Policy, depends on the role of the employee to whom the disclosure is made⁹, as follows:

1. **Officials with Authority:** A disclosure or report of Prohibited Conduct made to an employee in this category (regardless of whether the disclosure is made by the Complainant or a third party) constitutes a report to the university (i.e., actual knowledge), triggering a response under this Policy. All Officials with Authority are required to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator, including all information that has been disclosed to the Official with Authority, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc. The following individuals are Officials with Authority:
 - Title IX Coordinator and Deputy Title IX Coordinators
 - Vice President for Student Life and Dean of Students
2. **Responsible Employees:** While a disclosure or report of Prohibited Conduct made to a Responsible Employee (regardless of whether the disclosure is made by the Complainant or a third party) does not constitute a report to the Institution (i.e., is not “actual knowledge”) as defined by Title IX., as a matter of policy, Susquehanna University, requires Responsible Employees to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator. Employees must also promptly share all known details of a report made to them in the course of their employment, regarding details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

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

When a Responsible Employee is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though the university is technically not on notice simply because a harasser is also a Responsible Employee unless the harasser does in fact report themselves.

A Responsible Employee who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so. The following individuals are Responsible Employees:

All faculty, staff or student staff members, including stipend positions, employed by the university who have not otherwise been specifically identified and defined in this Policy as a Confidential Resource as defined above.

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

D. Privacy and Confidentiality

Susquehanna University respects the privacy¹⁰ of individuals involved in any report of alleged Prohibited Conduct, meaning the Title IX Coordinator and others responsible for carrying out this Policy will disclose information only as required to

9. If the reported incident involves the abuse of a minor, all employees regardless of designation are mandated by law to report the incident.

10. For the purpose of this Policy, privacy and confidentiality have distinct meanings. Privacy means that information related to a complaint will be shared with a limited number of university employees who “need to know” in order to assist in the assessment, investigation, and resolution of the complaint. All employees who are involved in the University’s response to notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the University’s Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. Confidentiality exists in the context of laws (including Title IX) that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses (see Section IX(B)).

implement this Policy or by law. If a Complainant requests that a report of Prohibited Conduct remain confidential (i.e., with the Complainant's identity not being disclosed to the Respondent and an investigation not being commenced), the Title IX Coordinator will evaluate that request in the context of Susquehanna University's responsibility to provide a safe and nondiscriminatory environment for all members of its community. Susquehanna University may question an employee-Respondent about alleged Prohibited Conduct without disclosing the identity of the Complainant, provided that it does not take disciplinary action against that Respondent without implementing the Formal Resolution Process in Section XV.

The Complainant is not required to file a Formal Complaint to receive Supportive Measures (see Section XI), but there may be instances when disclosing the Complainant's identity is necessary to provide certain Supportive Measures (e.g., where the Respondent would need to know the identity of the Complainant to comply with a no-contact order). Susquehanna university will maintain privacy when Supportive Measures are provided to the Complainant or Respondent, to the extent that maintaining such privacy would not impair its ability to provide the Supportive Measures.

E. False Reports and Other False Information

The submission of knowingly false information is prohibited and will be addressed under Susquehanna University's Code of Conduct for students and employment policies for faculty and staff. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or informal resolution can be subject to discipline under appropriate university policies. This provision does not apply to reports made and other information submitted in good faith, even if the facts alleged are not substantiated by an investigation and/or hearing decision.

F. Time Limits on Reporting

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

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

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

G. Amnesty

The health and safety of every person at Susquehanna University is of utmost importance. SU recognizes that students who have been drinking or using drugs, whether such use is voluntary or involuntary, at the time that violence, including, but not limited to, domestic violence, dating violence, stalking or sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. We strongly encourage students to report domestic violence, dating violence, stalking or sexual misconduct to University officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual misconduct to Susquehanna University officials or law enforcement will not be subject to SU's code of conduct action for violations of alcohol or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual misconduct.¹¹

For situations outside of this Policy a Complainant or a third-party witness, may be eligible for medical amnesty under the Medical Amnesty Policy.

H. Timely Warnings

In compliance with federal law, the university will provide timely notice to the campus community regarding certain crimes covered by the Clery Act that are reported to a "Campus Security Authority" (as defined under the Clery Act) and that are considered to be a serious or continuing threat to the safety of students and employees. The manner of notification depends upon the particular circumstances of the crime. The university will make every effort not to release personally identifying information while still providing enough detail for community members to make safety decisions in light of the danger.

¹¹ This language is required by PA Senate Bill 37 and cannot be altered.

X. EMERGENCY REMOVALS

If at any point following the receipt of a report of Prohibited Conduct, Susquehanna University determines that the Respondent poses an immediate threat to the physical health or safety of the Complainant or any other person(s), including the Respondent, Susquehanna University may temporarily remove the Respondent from any or all its programs or activities. The imposition of an Emergency Removal does not suggest a finding of responsibility for any Prohibited Conduct.

Before imposing an Emergency Removal, the VP for Student Life & Dean of Students (students) or the Senior Director of Human Resources (employees) will undertake an individualized safety and risk analysis concerning the Respondent at the request of the Title IX Coordinator. An Emergency Removal will be imposed only if the Senior Director of Human Resources or the VP for Student Life & Dean of Students, as appropriate, concludes that the threat to physical health or safety arises from the allegations of Prohibited Conduct and warrants the removal.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. An Emergency Removal may involve the denial of access to some or all of Susquehanna University campus facilities, academic program, or other programs or activities. While Susquehanna University may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (e.g., changes in housing) do not constitute Emergency Removals.

The Title IX Coordinator or designee will notify the Respondent of the terms imposed in connection with an Emergency Removal. The Respondent will be given access to a written summary of the basis for the emergency removal prior to their removal to allow for adequate response. The Respondent can challenge the Emergency Removal upon receipt of that notice prior to such action/removal being imposed. To challenge the Emergency Removal, the Respondent shall submit an appeal via email explaining why Emergency Removal is not appropriate to the Provost & Dean of the Faculty (students), the Vice President for Operations (staff) or the Provost and Dean of Faculty (faculty) within three (3) calendar days from the date of the notice of Emergency Removal. The appeal should not focus on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.

In evaluating the appeal, the Vice President for Operations for Staff or Provost and Dean of Faculty for faculty and students, as appropriate, may seek additional information from Respondent or any other individual. The Emergency Removal will remain in place while the appeal is pending. The Vice President for Operations or Provost and Dean of Faculty for faculty and students shall issue a decision as soon as possible under the circumstances. The decision is final and not subject to further appeal.

The Title IX Coordinator has discretion under this Policy to modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

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

Separate from the Emergency Removal process, the Title IX Coordinator may request that Senior Director of Human Resources place an employee-Respondent on an administrative leave, with or without pay.

XI. SUPPORTIVE MEASURES

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to Complainants and Respondents upon request, when deemed by Susquehanna University to be appropriate and reasonably available. The Title IX Coordinator will serve as the point of contact for the affected student(s) to ensure that the supportive measures are effectively implemented. Supportive Measures may also be imposed at the initiative and in the sole discretion of the Title IX Coordinator. Supportive Measures are offered without fee or charge to the parties and are available beginning at any time after the submission of a report of Prohibited Conduct.

A Complainant may seek and be provided Supportive Measures prior to or without ever filing a Formal Complaint.

Supportive Measures are designed to restore or preserve equal access to Susquehanna University educational programs and activities, without unreasonably burdening the other party. The university will act to ensure as minimal an academic impact on the parties as possible.

Supportive Measures will be kept confidential to the extent doing so does not impair the university's ability to provide them. Supportive Measures that Susquehanna University may implement may include, but are not limited to, the following:

- ▶ Referral to counseling, medical and/or healthcare services;
- ▶ Referral to community-based service providers;
- ▶ Academic support, extensions of deadlines or other course/program-related adjustments;
- ▶ Modification of work or class schedules;
- ▶ Altering campus housing assignment(s);
- ▶ Altering work arrangements for employees or student employees;
- ▶ Assistance navigating the leaves of absence process;
- ▶ Assistance finding additional financial aid options, if income, financial resources, or employee/student status changes;
- ▶ Safety planning;
- ▶ Education to the community or community subgroup(s);
- ▶ Advocacy in seeking visa and/or immigration assistance;
- ▶ Assistance utilizing the Employee Assistance Program;
- ▶ Transportation accommodations;
- ▶ Restrictions on contact between the parties (i.e., "no contact" orders).¹² Such an order serves as notice to both parties that they must not have verbal, electronic, written, or third-party communication with one another.
 - In some cases, an individual may also wish to consider a Protection from Abuse Order from the local courts. This is a civil proceeding independent of the University. An individual has the right to file for a Protection from Abuse Order or Sexual Violence Protection Order with the help of an on-campus advocate. The campus advocate is located in the Violence Intervention and Prevention Center in the lower level of the Blough-Weis Library or available 24/7 at 1-800-850-7948. An individual also has the right to file a petition for a Protection from Abuse Order on their own at the Snyder County Courthouse Prothonotary's Office.
 - The process for acquiring an order, includes an individual completing paperwork (with a campus advocate or on their own) about any incident(s) of misconduct and abuse. The paperwork will be filed with Snyder County Courthouse. Upon being filed, the individual who filed along with the alleged defendant will receive an order to appear in court. At that hearing, the individual can represent themselves or bring an attorney to testify about the alleged misconduct and/or abuse. If a temporary and/or final Protection from Abuse ("PFA") court order is issued, the Department of Campus Safety in conjunction with the local Selinsgrove Borough Police Department will serve the individuals named within the court order. Additionally, the University will, to the extent possible, assist the person who has obtained a PFA in benefiting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order, as per the statute set forth by Commonwealth of PA.
- ▶ Access to campus safety escorts;
- ▶ Increased security and monitoring of certain areas; or
- ▶ Any other measures deemed appropriate by the Title IX Coordinator to preserve equal access to Susquehanna University programs and activities.

A student or employee's failure to abide by the terms of any Supportive Measure may result in discipline and, depending on the circumstances, could be deemed to constitute Retaliation.

12. Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

XII. PRESERVATION OF EVIDENCE

Although in the immediate aftermath of an incident, an individual may not be interested in reporting the incident to the university or in pressing criminal charges, preserving evidence immediately can be vital to a successful investigation if in the future if an individual decides to move forward with a civil, criminal, or university conduct case, or seeks a protective order. This information is also provided in writing after a report has been made to the university.

Here are some tips on preserving evidence:

- ▶ Avoid any of the following before seeking medical attention: showering, bathing, douching, brushing of teeth, going to the bathroom, drinking, and/or change of clothing.
- ▶ Similarly, any clothing, towels or bedding should remain untouched pending collection by law enforcement.
- ▶ If an individual has any bruising or injuries, they should take photos of the bruising with a camera and document the date and time of the photograph (cell phones automatically do this). If an individual goes to the hospital, they can do this as it is deemed necessary.
- ▶ Document the harassment, abuse, or stalking behavior by logging details, dates, and times of incidents.
- ▶ Save any voicemails, screenshots of text messages, and social media posts, etc.
- ▶ Share locations with friends, classmates, and coworkers.
- ▶ Collect and/or call Campus Safety to collect any trinkets, notes, gifts, etc. that someone may have left for you to find.
- ▶ Record the names of any witnesses.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

XIII. FILING A FORMAL COMPLAINT

Upon receipt of an alleged policy violation, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the university needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint.

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

- 1) Implementing supportive measures (with or without submission of a Formal Complaint)
- 2) An Informal Resolution (upon submission of a Formal Complaint)
- 3) A Formal Resolution Process including an investigation and a hearing (upon submission of a Formal Complaint)

In order to commence an Informal Resolution (see Section XIV) or Formal Resolution Process (see Section XV), a Complainant must file a Formal Complaint alleging Prohibited Conduct under this Policy with the Title IX Coordinator. Pursuing a Formal Complaint does not preclude a Complainant from pursuing the filing of criminal charges. However, it is important to understand that the standard for criminal prosecution is different from that used in student and employee conduct proceedings. As a result, decisions rendered in either forum are not determinative of what will happen in the other.

If the Complainant decides not to submit a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint when the Title IX Coordinator deems doing so necessary to address the possible Prohibited Conduct, including to provide a safe and nondiscriminatory environment for all members of Susquehanna University community. In deciding whether to sign a Complaint if the Complainant elects not to do so, the Title IX Coordinator may, but is not required to, consider factors such as whether the conduct alleged included threats, violence, serial predation, or weapons. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the university's ability to pursue a Formal Resolution Process fairly and effectively. When the Title IX Coordinator executes the written complaint, they do not become the Complainant.

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

The university may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

If the Title IX Coordinator receives Formal Complaints against more than one Respondent or by more than one Complainant against one or more Respondents, or by one Party against the other Party (i.e., “counterclaims”), where the allegations of sexual harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the Parties, the Title IX Coordinator has the discretion to consolidate the Formal Complaints. If Formal Complaints are consolidated, all Parties must receive the same version of the written determination.

A. Written Notice

Upon the submission of a Formal Complaint, the Title IX Coordinator will provide written notice to the Complaint and Respondent, if known, including the following:

- A copy of this Policy;
- A copy of their rights;
- Notice of the allegations of conduct that may constitute Prohibited Conduct, with sufficient detail for the Respondent to prepare a response before any initial interview, including, if known, the identities of the Parties involved and the date and location of the incident;
- A statement of the potential sanctions/responsive actions that could result;
- A statement about the university’s policy on retaliation;
- Information about the confidentiality of the process;
- Details on how the party may request disability accommodations;
- The presumption that the Respondent is not responsible for the alleged Prohibited;
- Conduct unless a determination of responsibility is reached at the conclusion of the Formal Resolution Process;
- Notice of the Parties’ entitlement to an Advisor of choice at any meeting, interview or other proceeding related to the Formal Complaint, as discussed in Section XIV/XV;
- The identity of the Investigator as described in Section XV(A);
- Notice that the Parties may inspect, and review evidence gathered during the investigation as discussed in Section XV(D);
- An instruction to preserve any evidence that is directly related to the allegations;
- Notice that Susquehanna University Code of Student Conduct for students and the Anti-Harassment and Non-Discrimination policy and Disciplinary Action Policy for faculty and staff prohibits knowingly making false statements or knowingly submitting false information during the Formal Resolution Process

If additional allegations of conduct that might constitute Prohibited Conduct are identified during the investigation that will be addressed through the Formal Resolution Process, the Title IX Coordinator will issue an updated notice.

B. Dismissal for Purposes of Title IX Sexual Harassment¹³

If any of the following circumstances are met, the Title IX Coordinator will dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment:

- The Complainant is not participating in or attempting to participate in the education program or activity;
- Even if proved, the misconduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in Section VI;
- The misconduct alleged in the Formal Complaint did not occur in Susquehanna University’s education program or activity, which is defined as locations, events or circumstances over which Susquehanna University exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by Susquehanna University; or
- The misconduct alleged in the Formal Complaint is not alleged to have occurred in the United States.

13. These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

Further, if any of the following circumstances are met, the Title IX Coordinator may dismiss the Formal Complaint for purposes of any form of Prohibited Conduct, in the Title IX Coordinator's sole discretion:

- Complainant notifies the Title IX Coordinator in writing that Complainant wishes to withdraw the Formal Complaint or any allegation in it;
- Respondent is no longer enrolled or employed at Susquehanna University.

If a Respondent voluntarily withdraws and wishes the case to be dismissed on these grounds, they must submit a notification in writing to the Title IX Coordinator requesting a dismissal. The Title IX Coordinator has sole discretion to determine whether to grant the dismissal request. If a dismissal is granted, an alleged Respondent would not be eligible to re-enroll in the future and that information would be shared with future institutions who were requesting information with respect to state and federal law. Furthermore, the case would not be formally dismissed until the Title IX Coordinator was notified by the university that the party was officially withdrawn from the institution.

- Specific circumstances prevent Susquehanna University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegation.

The Title IX Coordinator will promptly send notice of the dismissal, including the reasons for dismissal, to the Complainant and Respondent simultaneously via email. The notice will advise the parties whether the Formal Complaint will proceed further and, if so, whether it will do so via the same process under another definition of Prohibited Conduct as defined in Section VI. Both the Complainant and Respondent may appeal any decision to dismiss the Formal Complaint for purposes of Title IX Sexual Harassment by submitting a request for appeal to the Title IX Coordinator. The appeal will be determined using the procedures set forth in Section XV(K).

The decision whether the matter will proceed as another form of Prohibited Conduct within this policy or as a possible violation of the Anti-Harassment and Non-Discrimination policy is not subject to appeal.

C. Counterclaims

The university is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. The university permits the filing of counterclaims but uses an initial assessment, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims determined to have been reported in good faith will be processed using the Grievance Process in this section. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

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

D. Advisors

The Parties are entitled to identify an Advisor of their choice, who may accompany them to all investigative interviews, hearings and other meetings or proceedings held in connection with a Formal Complaint. An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent. The Parties are responsible for identifying their own Advisor, if they wish to have one. An advisor may be a friend, parent, family member, attorney or another member of the Party's choice. Either Party may choose to change their advisor at any point in the process. If an individual serves as both an Advisor and has a role as a witness in the matter, they may limit the efficacy of their statement as a witness because the Decision-maker may discount their credibility based on their dual roles.

Susquehanna University will maintain a list of employees who have agreed to serve as Advisors at no cost to Complainants or Respondents, whom the Complainant or Respondent may, but are not required to, contact to determine whether they are available for that purpose. The university cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

As discussed in Section XIII(D), the Parties must have an Advisor for purposes of conducting cross-examination at a hearing. If a Party has not identified an Advisor to accompany them to the hearing for purposes of conducting cross-examination, Susquehanna University will provide one for that limited purpose.

Except when conducting cross-examination as discussed in Section XV(H), Advisors may not speak on behalf of the person they are advising. The Advisor may confer with the individual whom they are advising quietly or by means of written notes. Parties may request a brief recess to consult with their Advisor, which may be granted at the sole discretion of the Investigator, Title IX Coordinator or Decision-Maker depending on who is leading the scheduled meeting, interview, hearing, etc. An Advisor whose presence is deemed at that individual's sole discretion to be improperly disruptive or inconsistent with Rules of Decorum established by the University, as discussed in Section XV(H)(vii), will be required to leave and may be prohibited from participating in future Formal Resolution Process proceedings.

While Susquehanna University may consider short delays in scheduling to reasonably accommodate an Advisor's availability, whether to grant such a request is in the sole discretion of the Susquehanna University representative responsible for the event in question.

1. Sharing Information with the Advisor

The university expects that the parties may wish to have the university share documentation and evidence related to the allegations with their Advisors. The university provides a consent form that authorizes the university to share such information directly with a party's Advisor with respect to FERPA. The parties must complete and submit this form to the Title IX Coordinator before the university is able to share records with an Advisor. Advisors are expected to maintain the privacy of the records shared with them.

2. Expectations of the Parties with Respect to Advisors

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

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least seven (7) calendar days before the hearing.

XIV. INFORMAL RESOLUTION PROCESS

The Formal Resolution Process is the University's primary resolution approach unless Informal Resolution is elected by all parties and the university.

Informal Resolution presents the opportunity for the Complainant and Respondent to resolve allegations of Prohibited Conduct without an investigation or hearing. Participation in Informal Resolution in lieu of the Formal Resolution Process is purely voluntary. Informal Resolution is available only when a Formal Complaint has been filed and the Parties agree to its use in writing. Informal Resolution may be used only with the approval of the Title IX Coordinator, who may deem its use inappropriate based on the specific allegations involved or other factors. Informal resolution is not available to resolve a student-Complainant's allegations that an employee has engaged in Title IX Sexual Harassment.

Prior to initiating Informal Resolution, the Title IX Coordinator will provide the Parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from Informal Resolution to pursue formal resolution, information regarding any records that will be maintained or shared by the university, and any consequences of participation (e.g., as it relates to any subsequent formal resolution if Informal Resolution is not achieved and if a Respondent plans to utilize an "Accepted Responsibility" informal resolution process).

Informal Resolution can be commenced at any point prior to the conclusion of a hearing under the Formal Resolution Processes. It is conducted by the Title IX Coordinator, or an Informal Resolution Facilitator appointed by the Title IX Coordinator. The Complainant, Respondent, Title IX Coordinator or Facilitator may terminate Informal Resolution at any time prior to its completion. If Informal Resolution is terminated, the Formal Resolution Process will promptly commence or resume, as appropriate.

If the Informal Resolution is terminated such that the matter resumes the Formal Resolution Processes, all documents would be forwarded to the Title IX Coordinator to determine whether or not they will be included in the Formal Resolution Process. Documents created for the

purposes of the informal resolution will not be included in the Formal Process, but evidentiary documents produced for consideration by the facilitator can be used in the hearing.

Informal Resolution can take two primary forms as voluntarily agreed to by the Complainant, Respondent and Title IX Coordinator:

- ▶ **Alternative Resolution:** When the parties agree to resolve the matter through an alternative resolution mechanism (including mediation, restorative practices, facilitated dialogue, etc.), as described below, often before a formal investigation takes place.
- ▶ **Accepted Responsibility:** When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process.

The parties may not enter into an agreement that requires the university to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in sanctions levied by the institution is "Accepted Responsibility," as defined below. The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

A. Alternate Resolution Approaches

Alternative Resolution is an informal approach including mediation, restorative practices,¹⁴ facilitated dialogue, etc. by which the parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternative Resolution approach. Alternate Resolution Approaches can be achieved via the option of shuttle diplomacy meaning the facilitator goes back and forth between both Parties until a resolution is reached.

The Title IX Coordinator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

- ▶ The parties' amenability to Alternative Resolution
- ▶ Likelihood of potential resolution, considering any power dynamics between the parties
- ▶ The nature and severity of the alleged misconduct
- ▶ The parties' motivation to participate
- ▶ Civility of the parties
- ▶ Results of a violence risk assessment/ongoing risk analysis
- ▶ Disciplinary history of the Respondent
- ▶ Whether an emergency removal is needed
- ▶ Skill of the Alternative Resolution facilitator with this type of complaint
- ▶ Complaint complexity
- ▶ Emotional investment/capability of the parties
- ▶ Rationality of the parties
- ▶ Goals of the parties
- ▶ Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is made by the Title IX Coordinator.

The Title IX Coordinator maintains records of any resolution that is mutually agreed upon and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). Results of complaints resolved by Alternative Resolution are not appealable.

14. Restorative practices means a practice relating to a specific harm that is a) community based and unaffiliated with any civil or criminal legal process, b) initiated by a victim of harm c) involves on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any individual – 1 or more individuals who committed the harm; 1 or more victims of the harm; and the community affected by the harm through 1 or more representatives of the community. It shall include and has the goal of: a) collectively seeking accountability from 1 or more individuals who committed the harm; b) developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and c) developing a written course of action plan, that is responsive to the needs of 1 or more victims of the harm and upon which 1 or more victims, 1 or more individuals who committed the harm and the community can agree. Restorative practices should be conducted in a victim services framework that protects the safety and supports the autonomy of the 1 or more victims of the harm and the community (VAWA 34 U.S.C. 12291).

B. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above in Section A.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the university are able to agree on responsibility, restrictions and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of the university policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms. When the parties cannot agree on all terms of resolution, the Formal Resolution Process will resume at the same point where it was paused.¹⁵

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent. The outcome will be reported placed in the student's file, but not listed as a formal conduct proceeding and therefore won't be considered in future findings of responsibility for Prohibited Conduct or other violations of Susquehanna University's Code of Conduct.

The Informal Resolution process typically should be completed within thirty (30) calendar days of the Parties documenting their agreement to participate. That period may be extended at the discretion of the Title IX Coordinator, with notice to the parties.

XV. FORMAL RESOLUTION PROCESS

All Prohibited Conduct identified in Section VI, including prohibited conduct outside of Title IX Sexual Harassment will be addressed through the process outlined in this section.

Resolution proceedings are private. All persons present at any time during the Formal Resolution Process are expected to maintain the privacy of the proceedings in accordance with Susquehanna's Policy.

Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose as part of an Informal Resolution. The university encourages parties to discuss any sharing of information with their Advisors before doing so.

Susquehanna University strives to resolve Formal Complaints within ninety (90) calendar days of the submission of a Formal Complaint but balances its desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that timeframe. Delays might also result from several factors, including but not limited to the appeal of a dismissal as discussed in Section XV(K), impacts of concurrent criminal processes, or an attempt at Informal Resolution. The Title IX Coordinator may extend the time for completion of the Formal Resolution Process for good cause as determined in the sole discretion of the Title IX Coordinator and will provide written notice to the Parties of the reason for extension or delay.

At the discretion of the Title IX Coordinator, possible violations of the Student Code of Conduct or other policies that occurred directly in connection with the alleged Prohibited Conduct may be, but are not required to be, addressed under the Formal Resolution Processes here in lieu of engaging in a separate decision-making process for those possible violations.

15. The parties may not want discussions that take place within Informal Resolution to be admissible in a later Formal Resolution Process, but essential facts must and do transfer from the informal process to the formal. Disclosing something in an informal setting to shield it from formal admissibility can be strategic, so the university will not make assurances of the confidentiality of the Informal Resolution.

A. Investigation

The written notice described in Section XIII(A) will identify the appointed Investigator. Either Party may object to the Investigator on the grounds of conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, by submitting an objection to the Title IX Coordinator in writing within three (3) calendar days of receipt of the issuance of the written notice. The Title IX Coordinator, in their sole discretion, shall determine whether a different Investigator should be appointed.

The Investigator will investigate the allegations in the Formal Complaint. They are responsible for interviewing the Parties and witnesses and gathering relevant inculpatory and exculpatory evidence. The Investigator may not access, consider, disclose or otherwise use records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the Complainant or Respondent, unless the Investigator obtains the Complainant's or Respondent's, as appropriate, voluntary written consent to do so.

All Parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, for the Investigator.

Parties will be provided with written notice of the date, time, location, participants, and purpose of all investigative interviews in which they are expected to participate. Parties may be accompanied by an Advisor of their choice at any investigative interview, as described in Section XIII(D).

Investigations are completed expeditiously, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

The university will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

B. Investigation Process Delays and Interactions with Law Enforcement

The university may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions.

The university will communicate the anticipated duration of the delay and reason to the parties in writing and provide the parties with status updates if necessary. The university will promptly resume its investigation and Formal Resolution Process as soon as feasible. During such a delay, the university will implement supportive measures as deemed appropriate.

The university action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

C. Witness Role and Participation in the Investigation

Witnesses (as distinguished from the parties) who are employees of the university are required to cooperate with and participate in the University's investigation and Formal Resolution Process. Student witnesses and witnesses from outside the university community are encouraged to cooperate with university investigations and to share what they know about a complaint.

D. Investigation Report

The Investigator will prepare an investigation report summarizing all relevant evidence. The report will exclude all non-relevant evidence, as well as any evidence not subject to disclosure for reasons set forth herein (e.g., medical records regarding which the Party has not authorized disclosure).

Prior to completing the investigation report, the Investigator will send to both Complainant and Respondent, and their Advisors, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether it is anticipated that the evidence will be used at the hearing or in connection with any decision on responsibility. The Parties are strictly prohibited from disclosing or disseminating the evidence to any third parties and from using it for purposes other than carrying out the Formal Resolution Process. Complainant and Respondent will have ten (10) calendar days to provide a written response concerning the evidence to the Investigator, including identifying additional evidence for the Investigator's consideration prior to completing the investigation report. The response must be by the Party, not the Party's Advisor. A Party's response will be shared with the other Party.

After receipt of the Parties' responses concerning the evidence and at least ten (10) calendar days before the hearing, the Investigator will provide the Complainant and Respondent, and their Advisors, if any, a copy of the investigation report. The Complainant and Respondent may, but are not required to, provide written responses to the investigation report. Any response must be by the Party, not the Party's Advisor. A Party's response will be shared with the other party.

E. Hearing Notice

After the investigation report has been provided to the Parties and their Advisors, if any, and not fewer than 14 calendar days before the hearing, the Title IX Coordinator will issue a Hearing Notice via email advising the Parties of the following:

1. The date, time and location of the Hearing;
2. The specific charges of Prohibited Conduct subject to disposition at the Hearing and a brief description of the conduct resulting in the charges;
3. A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence; Notification that the parties must have the assistance of an advisor for the purpose of cross examination;
4. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance and/or interpretations services that may be needed at the hearing at least 7 business days prior to the hearing;
5. The individual to serve as the Decision-Maker; and

The Hearing will take place with parties located in separate rooms with technology enabling the parties to simultaneously see and hear the party/witness answering questions.

Any Party may object to the Hearing date or challenge the appointment of the Decision-Maker for bias or conflict of interest by submitting a written objection to the Title IX Coordinator via email within three (3) calendar days of the Title IX Coordinator issuing the Hearing Notice.

The Title IX Coordinator, in their sole discretion, shall determine whether the Decision-Maker should be removed and/or the Hearing rescheduled. Once the Decision-Maker is confirmed, the Title IX Coordinator will provide the Decision-Maker with a copy of the investigation report.

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

F. Appointing a Decision-Maker

The university will designate a single Decision-maker, at the discretion of the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator may elect to have an alternate Decision-Maker sit in throughout the hearing process in the event that a substitute is needed for any reason.

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

The Title IX Coordinator may not serve as a Decision-maker in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Title IX Coordinator or designee.

G. Pre-Hearing Meeting

The Decision-Maker or designee may convene pre-hearing meeting(s) with the parties and/or their Advisors. Parties are not required to but encouraged to attend.

At each pre-hearing meeting with a party and/or their Advisor, the Title IX Coordinator or designee will review the hearing procedure including test virtual technology for comfortability and answer any questions parties may have about the hearing procedure.

H. Hearing

Hearings are governed by the procedures set forth below. The formal Rules of Evidence that may apply to any courtroom proceeding do not apply to Hearings conducted under this Policy.

The only individuals who may appear at a Hearing are the Complainant and Advisor, Respondent and Advisor, and witnesses called by the Decision-Maker. The Parties and their Advisors may be present throughout the Hearing, with the exception of any recesses for which they are excused by the Decision-Maker. Witnesses are permitted to be present only when providing testimony. The Investigator and Title IX Coordinator may be present throughout the Hearing, as may other Susquehanna university representatives at the discretion of the Decision-Maker. If a Party fails to attend a hearing, the hearing may be held in the Party's absence, at the discretion of the Decision-Maker.

- i) **Witnesses:** At least 7 calendar days before the Hearing, the Decision-Maker will advise the Parties which witnesses will be requested to provide testimony at the Hearing. No later than 2 calendar days after such notice, the Parties may request that additional witnesses be requested to be present at the Hearing. The request must be submitted to the Decision-Maker in writing, including a brief description of why the information is relevant to the determination of responsibility. Whether or not to approve such request as potentially providing relevant information shall be in the sole discretion of the Decision-Maker, who will advise the requesting Party of the final decision. If the request is approved, the Decision-Maker will advise the other Party as well.
- ii) **Documents:** All documentary evidence provided to the parties under Section XV(D) will be made available at the hearing, as well as all evidence produced by the Parties in their response. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Decision-Maker. No party or witness may introduce relevant evidence at the hearing if it was not first vetted by investigators during the investigation phase of the resolution process unless the Parties and Decision-Maker agree that it can be raised at the hearing. The Decision-Maker may re-open the investigation to review and vet such evidence before considering it at the hearing.
- iii) **Relevance:** The Decision-Maker is responsible for making all determinations of relevance as to witnesses, questions and documentary evidence presented at the Hearing. For purposes of this Policy, "relevant" means that the evidence is probative of any material fact. Evidence that is not relevant will be excluded at the hearing and may not form the basis for any decision by the Decision-Maker. Evidence that is duplicative of evidence already in the hearing record may be deemed not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- iv) **Standard of Proof:** The Decision-Maker will make decisions on responsibility using a preponderance of evidence standard of proof. Preponderance of Evidence means that the evidence demonstrates that the outcome is more likely than not.
- v) **Advisors at Hearings:** The parties may be accompanied by their Advisor at the Hearing. As discussed in Section XIII(D), the Advisor may not address the Title IX Coordinator, Investigator, Decision-Maker, other Advisors or any other individuals participating in the hearing. The only exception is with respect to cross-examination as discussed below. Like the parties, Advisors are required to adhere to the Rules of Decorum applicable to Hearings, as outlined below. An Advisor who fails to do so may, at the sole discretion of the Decision-Maker, be required to leave the Hearing. The parties shall inform the Title IX Coordinator whether they will be accompanied at the Hearing by their Advisor of choice by no later than 7 calendar days before the Hearing. If a party has not identified an Advisor, Susquehanna University will provide one for the sole purpose of conducting cross-examination as discussed below. The Parties may not conduct cross-examination themselves; cross-examination must be performed by an Advisor. If an Advisor is required to leave a Hearing for failure to adhere to the Rules of Decorum or for any other reason, the Decision-Maker shall recess the hearing until Susquehanna University appoints an Advisor for purposes of cross-examination. Advisors provided by Susquehanna University will be professional staff with an understanding of the purpose of cross-examination and ongoing training.

- vi) **Hearing Procedures:** The procedures here provide the general framework for any hearing. The Title IX Coordinator or Decision-Maker may alter certain procedures as deemed appropriate in their sole discretion to aid in the equitable resolution of the matter.
1. **Recording:** The Hearing will occur virtually and it will be recorded using audiovisual technology. Recesses taken or approved by the Decision-Maker, including for the Decision-Maker to consult with the Title IX Coordinator, Investigator or any other Susquehanna University representative, will not be recorded.
 2. **Opening Statements:** Each Party will have the opportunity to make a brief opening statement. The Parties will make any statements themselves, not through their Advisor.
 3. **Parties:** Generally, the Decision-Maker will hear from the Complainant first, followed by the Respondent. Each Party will have the opportunity to provide relevant evidence to the Decision-Maker. The Decision-Maker will ask relevant follow-up questions of each party. Each Party's Advisor will have the opportunity to ask cross-examination questions of the other Party. Advisors are reminded of the importance of adhering to the Rules of Decorum in cross-examining the Parties and any witnesses. The Decision-Maker cannot draw an inference regarding responsibility based solely on a Party's absence from the Hearing or refusal to answer questions. With respect to cross-examination, Advisors are limited to asking only relevant questions. The Decision-Maker will determine whether questions are relevant prior to the Party answering the question. If the question is deemed not relevant, the Decision-Maker will provide a brief explanation and the question will be precluded. The Decision-Maker's decision is not subject to challenge or objection during the Hearing.
 4. **Witnesses:** A similar process and the same rules that apply to Parties will apply to witness statements. Like the Parties, any witness may appear remotely, with technology allowing the Hearing participants to simultaneously see and hear the witness. The Decision-Maker cannot draw an inference regarding responsibility based solely on a witness's absence from the Hearing or refusal to answer questions. The Investigator may be called as a witness. At the Decision-Maker's discretion, the Investigator may be asked to testify before the Parties to facilitate an efficient presentation of evidence.
 5. **Closing Statement:** Each Party will have the opportunity to make a brief closing statement. The Parties will make any statements themselves, not through their Advisor.
- vii) **Rules of Decorum:** The following Rules of Decorum apply to parties, Advisors and witnesses participating in any part of the formal or informal resolution process. Individuals failing to follow the Rules of Decorum may be directed to leave the meeting, interview, proceeding or hearing, at the Title IX Coordinator, Investigator, or Decision-Maker's sole discretion. Although the Title IX Coordinator, Investigator, and Decision-Maker may provide warnings or reminders of the Rules of Decorum before such removal, a pre-removal warning or reminder will not necessarily be provided depending on the nature of the conduct in question. A full list of Rules of Decorum will be reviewed with all Parties and advisors prior to any interviews, proceedings, and/or hearings; participants will be asked to affirm their intention to follow the rules of decorum.
1. Advisors are present during interviews and hearings primarily to assist the party being interviewed. The interviewed party is responsible for presenting their own information. Advisors are not typically permitted to speak for a party and do not have an active role during any meetings or interviews except to advise their advisee.
 2. Parties are required to sign a privacy release form that permits their Advisor to have copies of their records pertinent to the complaint.
 3. Advisors are required to sign the University's non-disclosure agreement before evidence disclosed at the hearing any can be shared with them regarding the complaint.
 4. Advisors may not act abusively or disrespectfully toward any university personnel during the Title IX process. The advisor may not yell, scream, badger, or physically invade a Title IX employee's personal space.
 5. An Advisor may be removed or replaced if their presence is disruptive, obstructive, or unreasonably interferes with the University's ability to address the complaint. In such a case, the Complainant or Respondent may seek another Advisor.
 6. Advisors may take no action during the interview or hearing that a reasonable person would view as intended to intimidate a party, witness, or official into not participating in the process or meaningfully modifying their participation in the process. This behavior may also be a form of retaliation.

7. The university will record hearing proceedings and make available all investigation interviews and hearing recordings or transcripts. Parties are not permitted to record (including audio and/or video) any meeting, interview, or hearing without express written permission from the Title IX Coordinator.
8. The Advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness.
 - Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
9. The Advisor may not ask repetitive questions or questions that will elicit an answer that is repetitive. This includes questions that have already been asked by the Decision-Maker or an Advisor during cross-examination.
 - When the Decision-Maker determines that a question is duplicative or is otherwise not relevant, the Advisor must move on to another question.
10. Correctly identify all parties by their identified pronouns.

I. Hearing Outcome Letter

Within 7 calendar days of the conclusion of the Hearing, the Decision-Maker will provide the Hearing Outcome Letter to the Title IX Coordinator who will issue the Hearing Outcome Letter to the Parties via Susquehanna University email.

The Hearing Outcome Letter will include:

- A description of the allegations that lead to the Hearing, as potentially constituting Prohibited Conduct.
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination.
- A statement of factual findings supporting the determination.
- A statement of the conclusions regarding the application of this Policy to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- An explanation of the disciplinary sanctions imposed on the Respondent, if any.
- A statement of whether remedies designed to restore or preserve equal access to Susquehanna University education program or activity will be provided to the Complainant. Specific remedies will be identified in the Hearing Outcome Letter only to the extent those remedies directly affect the Respondent. The Title IX Coordinator is responsible for implementing such remedies.
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Hearing Outcome becomes final following the determination of the appeals, if any, or upon the date following the deadline for filing an appeal, if no appeal is pursued. No further appeals of any kind are permitted.

J. Sanctions and Remedies

- i) Sanctions: All sanctioning determinations are made by the Decision-Maker. Factors considered when determining a sanction/responsive action may include, but are not limited to:
 1. The nature, severity of, and circumstances surrounding the violation(s);
 2. The Respondent's disciplinary history;
 3. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
 4. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
 5. The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
 6. The impact on the parties;
 7. Any other information deemed relevant by the Decision-maker(s).

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

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

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a grievance process at any time, and/or referring that information to another process for resolution.

Primary Conduct Sanctions for Students and Student Organizations include:

Disciplinary Reprimand: A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action, including disciplinary probation.

Disciplinary Probation: A trial period during which a student/organization must behave in a manner acceptable to the university. This period can include exclusion from participation in privileged or co-curricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Policy or the Code of Student Conduct during the period of probation, will normally result in suspension or expulsion from the university. Under the status of disciplinary probation, a student is encouraged to seek advice and counsel from appropriate university officials. Disciplinary probation status may also affect qualifications for some awards, prizes or financial aid, particularly those stipulating conduct acceptable to the university. Disciplinary Probation can affect a student's ability to apply for or participate in GO Programs.

Disciplinary Deferred Suspension: The sanction of disciplinary suspension may be placed in deferred status for a limited period of time. During this period of time, the student is on notice that any further violations of the Code of Student Conduct will result in the suspension that was originally defined becoming effective immediately without further review. Disciplinary Deferred Suspension may not be imposed for longer than one regular semester. If this sanction is imposed during a semester, it may be imposed for the remainder of that semester and one additional semester.

Disciplinary Suspension: Temporary separation from university premises, and other privileges or activities, as set forth in the suspension notice. Students/organizations who are suspended are not permitted to participate in any university activities, academic or non-academic, during the suspension timeframe. They may not take part in any official exercise, including commencement. Suspended students are not allowed on Susquehanna University's premises during their suspension unless prior approval has been granted by the Vice President for Student Life & Dean of Students. Any request for the privilege of visiting Susquehanna during the suspension must be received in writing at least seven business days prior to the requested date by the Dean of Students. It should be understood that the submission of a request does not guarantee approval. The Dean may require the student requesting the privilege meet prior to the date. Decisions regarding the request will be communicated to the student and appropriate university staff.

Expulsion: Permanent termination of student/organizational status and exclusion from university premises, privileges and activities including, but not limited to: receipt of Susquehanna University degree, registration, class attendance, residence in university-owned housing and use of university facilities. A student/organization who has been expelled is not eligible for readmission/re-establishment. Students expelled from Susquehanna University are not allowed on Susquehanna University's premises and will receive a No Trespass Order from the Campus Safety Office. Expulsion will be kept on file in the Student Life Office, will remain in the student's conduct record permanently, and will be reflected on transcripts.

In addition to the above sanctions, students may also be assigned additional secondary sanctions.

Secondary Conduct Sanctions:

Restriction or Revocation of Privileges: The determination to withdraw a privilege, use of a service, participation in a program, event or activity for a specific period of time. The loss of privilege may prohibit a student or student organization from being released to live off-campus, or from participating in off-campus study (GO Program), co-curricular or athletic activities where the Individual(s) represents the university. Restrictions include, but are not limited to, registering or taking part in organizational or university social activities, the use of a particular university facility, guest privileges or parking privileges.

Restitution: Repayment to the university or to an affected party for damages resulting from a violation of this code. Restitution can occur at any level.

Educational Sanctions: In cases where it is appropriate, a Respondent may be required to participate in and/or complete educational sanctions to help prevent future instances of prohibited conduct. This can include online modules and/or in-person meetings with an appropriate facilitator.

Additional Sanctions: Additional sanctions may be imposed. Service, research projects or educational programs or activities, including but not limited to, an educational seminar, a treatment program for alcohol or drug abuse or psychological assessments may also be assigned.

Parents may be notified to the extent permitted by law. (See the Parental Notification Policy under the Additional Campus Policies section of this Student Handbook.)

Sanctions for Employees

Sanctions include but are not limited to written warning(s), suspension, change in duties, workplace changes or termination as listed in the staff Disciplinary Actions Policy and Faculty Handbook.

- ii) **Failure To Comply with Sanctions:** All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Decision-maker(s)).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the university. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

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

- iii) **Remedies:** The Title IX Coordinator is responsible for the implementation of remedies designed to address safety, prevent recurrence, and restore or preserve equal access to Susquehanna University education program or activity. While remedies might constitute Supportive Measures, they also might be in the form of Sanctions where there has been a finding of responsibility.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies the University owes the Respondent to ensure no effective denial of educational access.

The University will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the University's ability to provide these services.

K. Appeals

Either Party may appeal a determination of responsibility (or non-responsibility) as set forth in the Hearing Outcome by submitting a written appeal to the Title IX Coordinator by email within 5 business days of the Decision-Maker's issues of the Hearing Outcome Letter. The appeal must be in writing and clearly explain the basis for the appeal. If the appeal is from the

outcome of a Hearing, the Parties shall have access to the record of the Hearing to prepare their appeal on such terms as the Title IX Coordinator provides.

No Appeal Decision-maker(s) will have been previously involved in the Formal Resolution Process for the complaint, including in any dismissal appeal that may have been heard earlier in the process.

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

Appeals may be based on only one of the following:

- A procedural irregularity that affected the outcome of the matter;
- The existence of new evidence that was not reasonably available at the time of the Hearing that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

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

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s). Upon receipt/review of the appeal by the Appeal Decision-Maker, or the Title IX Coordinator will notify the other Party that the appeal has been filed, permitting the party 5 days to provide a response, and providing the parties with the identity of the Appeal Decision-Maker who will determine the matter. The Party's response will be provided to the appealing party, but no further exchange of positions is permitted.

The Parties may challenge the appointment of the Appeal Decision-Maker for bias or conflict of interest by submitting a written objection to the Title IX Coordinator via email within 3 calendar days of the Title IX Coordinator issuing the notice. The Title IX Coordinator, in their sole discretion, shall determine whether a new Appeal Decision-Maker should be identified.

The Title IX Coordinator will forward the appeal and the other Party's response to the Appeal Decision-Maker. The Appeal Decision-Maker will evaluate the appeal on the written record and recording of the Hearing, and may seek input from the Title IX Coordinator, Investigator and/or Decision-Maker as deemed appropriate in the Appeal Decision-Maker's sole discretion.

For appeals from a Hearing Outcome, the Appeal Decision-Maker will issue a written Notice of Appeal Outcome, delivered simultaneously to all parties within ten business days of the Appeal Decision-Maker's receipt of the appeal material. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

The Appeal Decision-Maker also has the ability to uphold the decision, send it back for a new hearing in front of the same Decision-Maker, send it back for a new hearing with a different Decision-Maker or reach a different outcome.

Any sanctions imposed as a result of the hearing are stayed (i.e.: not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then the emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

As discussed in Section XIII(B), appeals may also be based on the dismissal of a Formal Complaint alleging Title IX Sexual Harassment.

For appeals from a Dismissal in Section XIII(B), the Appeal Decision-Maker will typically issue a written decision on the appeal, including the result and a brief rationale, within 10 business days of the Decision-Maker's receipt of the appeal materials.

The Appeal Decision-Maker's decision is final. No further appeals are permitted.

XVI. RECORDKEEPING

Susquehanna University will retain records created in connection with a Formal Complaint for seven (7) years. Such records include those relating to any Informal Resolution, the investigation, any determination regarding responsibility (including any audio or audiovisual recording or transcript), any disciplinary sanction imposed, any appeal, and any remedies provided to the Complainant designed to restore or preserve equal access to Susquehanna University education program or activity.

Susquehanna University will also document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the education program or activity. If Susquehanna University provides no Supportive Measures to the Complainant, it will additionally document why such a response was not clearly unreasonable in light of all the known circumstances.

The university will also maintain all records in accordance with state and federal law.

XVII. TRAINING

Any individual serving as Susquehanna University Title IX Coordinator, Investigator, Informal Resolution Facilitator, Advisor of Choice, Decision-Maker or Appeal's Decision-Maker will receive training on this Policy, the scope of Susquehanna University education program or activity, how to conduct an investigation and Formal Resolution Processes (including Hearings, Appeals and Informal Resolution, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. Further, they will receive training on questions of relevance, and on preparing an Investigation Report, Hearing Outcome Letter or Appeal decision, as appropriate. These records will be maintained for at least seven years and be made publicly available on the university's website.

A. Prevention and Education

Interpersonal violence prevention and education cannot exist in a void. How we develop and construct our social lives including our norms, beliefs, expectations, boundaries, and communication skills all affect and intertwine with our culture's understanding of sexual misconduct and gender-based violence. In order to dismantle these scripts our approach must be multi-faceted.

By understanding the culture, we aim to meet our campus community where they are. We offer an array of prevention programming to engage students, faculty, and staff to examine their lives and increase their understanding of accountability and care for others. The University's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for the campus community (students and employees) that:

- i) Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- ii) Defines domestic violence, dating violence, sexual assault, and stalking including how those terms are defined in the Commonwealth of Pennsylvania;
- iii) Defines what behavior and actions constitute consent to sexual activity in the Commonwealth of Pennsylvania;
- iv) Provides 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 the bystander;
- v) Provides information on risk reduction¹⁶ so that students and employees may recognize warning signs of abusive behavior and how to minimize the risk of potential attacks.

All of Susquehanna University athletes and first-year students receive preventative education programming. A list of our primary prevention programs and awareness programs can be found here: <https://www.susqu.edu/campus-life/student-safety/prevention>.

¹⁶ Risk reduction programming is performed to help students build the capacity to recognize potentially harmful situations.

B. Employee Training

As a result of Act 104 from November 17, 2010 from the Department of Education, which added Article XX-G, “Sexual Violence Education at Institutions for Higher Education” to the Public School Code, as well as the Violence Against Women Reauthorization Act of 2013, the university offers mandatory educational programs for all employees. These programs include, but are not limited to the following topics:

- i) Discussion of sexual misconduct and gender-based violence;
- ii) Discussion of consent;
- iii) Discussion of drug and alcohol-facilitated sexual misconduct and gender-based violence;
- iv) Information on where/how to get assistance, including the importance of medical treatment and evidence collection, and how to report sexual violence to campus authorities or local law enforcement;
- v) An explanation of the definitions of sexual misconduct and gender-based violence;
- vi) Safe and positive options for bystander intervention;
- vii) Information on recognizing warning signs of abusive behaviors;
- viii) Procedures for pursuing institutional disciplinary action in cases of alleged sexual misconduct and gender-based violence;
- ix) Information about how the University works to protect the confidentiality of students and employees;
- x) Explanation of available on and off-campus resources for students, faculty, and staff.

C. Public Awareness Events

The university recognizes, along with the Office of Civil Rights (OCR), that public awareness events and education programs are best served by a higher level of confidentiality. The university wants students to feel free to participate in preventative education programs and access resources. Therefore, public awareness events such as “Take Back the Night” or other forums which students disclose experiences of sexual misconduct and gender-based violence are not considered notice to the university for the purpose of triggering an individual investigation unless the individual initiates a complaint.

Our full prevention policy can be found in the Student Handbook.

XVIII. SUSQUEHANNA UNIVERSITY AND COMMUNITY RESOURCES

A. Off Campus Medical Resources

The nearest hospital to campus is Evangelical Community Hospital. An advocate from Transitions of PA can be available to transport a Complainant to the hospital and/or meet them at the hospital. Evangelical Community Hospital can provide many critical services including:

- i) Physical Exam
- ii) Emergency Contraception
- iii) STD/HIV Medications
- iv) Forensic Exam (*A forensic exam, completed by a medical practitioner, is the process through which physical evidence is collected and may include a rape kit. Physical evidence can include photo documentation of injuries, collection of fluids (blood, semen, urine, saliva) and other identifiable objects (hair, clothing with potential DNA)). More information on preserving evidence is provided below after the medical services contact information.

Contact information is as follows:

Evangelical Community Hospital, One Hospital Drive, Lewisburg, PA
570-522-2770

Please note that under Pennsylvania law when a forensic rape exam is completed, a medical provider is required to notify law enforcement to retrieve the exam for safekeeping. Although the medical provider will provide information to law enforcement, the Complainant is not required to speak with a law enforcement officer at the hospital. Additionally, they can decide on the extent of their participation in a criminal prosecution.

B. Off Campus Counselors and Advocates

Off campus counselors and advocates and health care providers will also generally maintain confidentiality and not share information with the university unless the individual requests the disclosure and signs a consent or waiver form. The following off campus resources are available:

- i) Transitions of PA, 120 S. 3rd St., Lewisburg, PA | 1-800-850-7948 (24/7)
- ii) Other local counseling resources can be found on the Counseling & Psychological Services's website:
<https://www.susqu.edu/campus-life/student-and-campus-services/counseling-services>

C. Off Campus Legal Services

Off campus free legal services are available near the university. Legal service providers will also generally maintain confidentiality and not share information with the university unless the individual requests the disclosure and signs a consent or waiver form. The following off campus resources are available:

- i) Transitions of PA, 120 S. 3rd St., Lewisburg, PA | 1-800-850-7948 (24/7)
- ii) North Penn Legal Services, 133 N. 2nd St., Sunbury, PA 17801 | 570-286-5687
- iii) Other local free legal resources can be found on the American Bar Association's website:
https://www.americanbar.org/groups/legal_services/flh-home/flh-free-legal-help/

D. Off Campus Visa/Immigration Services

Off campus visa and immigration services are available. Immigration service providers will generally maintain confidentiality and not share information with the university unless the individual requests the disclosure and signs a consent or waiver form. The following off campus resources are available:

- i) Immigration Support Service, 2215 Millennium Way, Enola, PA | 1-800-437-7313
- ii) Find your local embassy at the nearest location: <https://www.usembassy.gov>

E. Off Campus Police Services

Off campus police services are available from the local borough and state police.

You have the option to report to, or decline to report to, the university and local law enforcement: Although the university strongly encourages prompt reporting of conduct that may violate this Policy, individuals have the option of reporting to (a) local law enforcement; (b) the university, including Campus Safety; (c) both (a) and (b); or (d) none of the above. This means that individuals have the right to decline to notify the university or law enforcement officials.

If you want to notify local law enforcement, the university can assist you in notifying those authorities: If an individual wants to notify local law enforcement, then the university will, upon request, help that individual make a report to local law enforcement. A report to local law enforcement is separate from a report to the university.

How the university coordinates with local law enforcement if a report is made to both: University internal investigations and any disciplinary or remedial actions are independent of any civil, criminal or external administrative investigation. The university may pursue an investigation, take appropriate remedial action and/or impose disciplinary sanctions against a member of the university community at the same time the individual is facing criminal charges for the same incident, even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced. In the case where an individual is pursuing civil or criminal investigation the Campus Safety Office will work alongside Selinsgrove Borough Police Department and organize a co-occurring investigation.

- i) Selinsgrove Borough Police Department, 100 W. Pine St., Selinsgrove, PA | 570-374-8655 | 911 (24/7)
- ii) PA State Police Department, 81 Lorian Drive, Selinsgrove, PA | 570-374-8145 | 911 (24/7)