KEEPING OUR CAMPUS SAFE

DESALES UNIVERSITY’S TITLE IX POLICY – PREVENTING SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT AND SEXUAL VIOLENCE

Updated July 2019
“When we become aware of the assault of some particular vice, let us practice as much as possible its contrary virtue and engage all the other virtues in this effort.”

Saint Francis DeSales
DeSales University’s Non-Discrimination Policy

DeSales University does not discriminate on the basis of sex, race, color, national origin, ancestry, disability, age or veteran status in the administration of its admissions policies, educational policies, employment, scholarship programs, loan programs, athletic and other school-administered programs.

Students, employees and others can raise concerns and make reports of discrimination without fear of reprisal or retaliation. Anyone with questions, concerns or complaints about discrimination at DeSales University may bring these issues to the attention of the Director of Human Resources, Margie Grandinetti, whose office is in the Lawless Center and who can be reached by phone at 610-282-1100, extension 1485, and by email at Margie.Grandinetti@desales.edu. Employees may also bring questions, concerns or complaints about discrimination to the attention of their immediate managers.

In addition, students, employees and others may bring questions, concerns or complaints about sex discrimination, including any type of sexual harassment or sexual violence, to the attention of DeSales University’s Title IX Professionals:

<table>
<thead>
<tr>
<th>Title IX Coordinator</th>
<th>Deputy Title IX Coordinator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rev. Edward Ogden, OSFS</td>
<td>Gracia Perilli</td>
</tr>
<tr>
<td>Dean of Students</td>
<td>Associate Director of Athletics / SWA</td>
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<tr>
<td>Dorothy Day Student Union, rm. 125</td>
<td>Billera Hall, rm. 101A</td>
</tr>
<tr>
<td>610.282.1100 ext. 1404</td>
<td>610.282.1100 ext. 1218</td>
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<tr>
<td><a href="mailto:Edward.ogden@desales.edu">Edward.ogden@desales.edu</a></td>
<td><a href="mailto:Gracia.Perilli@desales.edu">Gracia.Perilli@desales.edu</a></td>
</tr>
</tbody>
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A person who is found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including expulsion or termination of employment from the University.

The following pages address DeSales University’s policies to combat sex discrimination on our campuses and to keep the campuses safe learning environments.
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I. Introduction

DeSales University is committed to a safe, ethical, values-centered, campus culture which promotes respect for persons’ bodily integrity and the sacredness of human sexuality. In this way, our faculty and staff help our students to develop their minds and their characters. As a Catholic institution, DeSales University affirms the doctrine of the Catholic Church on the dignity of each person. In the tradition of Saint Francis de Sales and Saint Jane de Chantal, we seek to help all community members recognize the paramount importance of relational friendship as the cornerstone of building community and to live well.

All members of the DeSales University community share responsibility for maintaining a safe and welcoming educational atmosphere at our campuses. The existence of sex discrimination, in any form and against anyone on our campuses, would threaten the safe environment that we work diligently to maintain.

(The phrase “sex discrimination” as used in this document refers to every kind of discrimination based on sex including sexual harassment and sexual violence and it refers to gender-based harassment. It also includes dating violence, domestic violence, and any other conduct based on sex that creates a hostile campus atmosphere.)

Sex discrimination is not tolerated at DeSales University. This prohibition applies to conduct by students, faculty, administrators, staff and third parties (such as visitors and contractors on our campuses).

If you believe you have been the victim of sex discrimination, this document provides valuable information for you. Among other things, this document assists you in identifying what sex discrimination is, where you can report it, where you can turn for assistance and protection, how complaints are investigated, how the complaints are adjudicated, and how you and we may contribute to making DeSales a wonderful place for learning where sex discrimination does not occur.

At the University, identifying and eliminating sex discrimination, as well as assessing compliance with applicable law, is achieved through the work of an inter-departmental, interdisciplinary team that collaborates for the well-being of the entire community. Members of this team include the Title IX Coordinators, the Dean of Students Office, the DeSales University Police Department (“University Police”), the Office of Human Resources, the Office of Student Conduct and the Clery Coordinator, with support from Academic Affairs, Residence Life, the Counseling Center and the Health Center.

II. What Is Title IX and How Does It Relate to Sex Discrimination?

Title IX is part of the Education Amendments of 1972. It is a law that was enacted by the United States government to prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. Title IX applies to DeSales University because the University is a recipient of federal financial assistance. Title IX reads: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied
Title IX’s prohibition against sex discrimination is broad. It covers the sexual misconduct discussed in this Policy. Title IX protects applicants for admission and employment, students, faculty, administrators and staff at the University. The law applies to every aspect of University life including admissions, academics, employment, athletics, student services and campus residence life. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic and other programs of the University, whether the programs take place at the University’s main campus in Center Valley, Pennsylvania, our online learning platforms, at our campus in Rome, Italy, or at any class or training program sponsored by the University at another location.

In addition to seeking redress under Title IX, individuals may be provided protections from sex discrimination under other provisions of the law. For example, an employee of the University who suffers sex discrimination may be entitled to pursue relief under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000 e, et seq. The University recognizes any person who believes he or she was the subject of sex discrimination may seek the advice of an attorney to determine the appropriate law(s) under which relief should be sought. Relief under Title VII, Title IX and other laws also can be sought without the assistance of an attorney. Employees with questions, concerns, or complaints about discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, their Department manager and/or the Director of Human Resources. Employees can raise concerns and make reports of discrimination without fear of reprisal. Any University employee found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

III. **Notice of Compliance with Title IX**

Because Title IX is legally binding on the University and is consistent with the mission of the University, the University issues the following Policy statement and Notice of Compliance with Title IX:

*DeSales University does not tolerate any type of discrimination based upon sex at its campuses or in any of its programs. Sex discrimination encompasses sexual harassment, including sexual violence and gender-based harassment. The University will respond promptly and thoroughly with the appropriate investigation and effective remedial measures to any allegation of sex discrimination. These will be done to ensure the safety of all those who partake of the University’s programs, services and facilities and to promote our faith-based learning environment. The University also has a non-retaliation policy to protect those who may become the victims of sex discrimination, have reason to report sex discrimination or are witnesses to sex discrimination.*

*Inquiries about the application of Title IX at DeSales University may be referred to the University’s Title IX Coordinator or Assistant Title IX Coordinator or to any of the staff of the University who are identified below as part of the*
The Title IX Coordinator is responsible for compliance with and carrying out the University’s responsibilities under Title IX. He is responsible for overseeing all Title IX complaints and appropriately addressing any campus problems identified through review of Title IX complaints or otherwise. He assures that those at the University with Title IX responsibilities receive appropriate ongoing education and training to fulfill their responsibilities. He assures that everyone at the University, whose duties include interacting with students, receives the necessary education and training to identify sex discrimination and to report it for investigation and remedial action under this Policy. Complaints about sex discrimination may be made to him and filed with him at any time. The Title IX Coordinator is available to meet with students and anyone else regarding Title IX subjects as needed.

The Assistant Title IX Coordinator assists the Title IX Coordinator as requested by him and consults with him as needed. She assumes full Title IX duties in the absence of the Title IX Coordinator. Even when the Title IX Coordinator is available, complaints about sex discrimination may be made to the Assistant Title IX Coordinator and filed with her at any time. She is also available to meet with students and anyone else regarding Title IX subjects as needed.

Title IX Coordinator
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IV. Prohibited Sex Discrimination

Sex discrimination creates a hostile environment which can interfere with or limit a student’s ability to participate in or to benefit from all of the University’s programs. If faculty, administrators, staff or third parties suffer any of these forms of discrimination, they can also be subjected to a hostile campus environment which is not conducive to the enjoyment of their work and work productivity. In accord with Title IX, the University will respond immediately to reports of sex discrimination and will conduct a thorough and impartial investigation to protect any victims of the discrimination, to end any discriminatory conduct, to correct the circumstances which led to it, to apply discipline when necessary and to take all steps to assure that the University is safe and welcoming.

Sexual harassment is a form of sex discrimination. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature. Sexual violence is a particularly
reprehensible form of sex discrimination.

Gender-based discrimination includes acts of verbal, non-verbal or physical aggression, intimidation, ridicule or hostility based on sex, sex-stereotyping or gender identity, even if such acts do not involve conduct of a sexual nature.

Sex discrimination which is prohibited at the University includes sex crimes and it includes, but is not limited to, the following:

A. **Sexual Offenses**

Sexual offenses are separated into two categories: forcible and non-forcible. A forcible sex offense is defined as any sexual act directed against another person, forcibly or against that person’s will, or not forcibly or not against the person’s will where the victim is incapable of giving consent. There are four types of forcible sexual offenses:

- **Forcible Rape** is sexual intercourse of a person, forcibly or against that person’s will, or not forcibly or not against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Forcible Sodomy** is oral or anal sexual intercourse with another person, forcibly or against that person’s will, or not forcibly or not against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Sexual Assault with an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly or against that person’s will, or not forcibly or not against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Forcible Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly or against that person’s will, or not forcibly or not against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Non-forcible sexual offenses are defined as unlawful, non-forcible sexual intercourse. There are two types of non-forcible sexual offenses:

- **Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent. (The statutory age of consent in Pennsylvania is 16 but adults who engage in sexual acts with a person under 18 years of age may be held responsible under the “corruption of minors” criminal statute.)

B. **Domestic Violence**

Domestic violence means causing or attempting to cause physical or sexual assault or abuse, placing another in reasonable fear of bodily injury, restraining another’s liberty or freedom of movement, or stalking, whether such conduct be a felony or a misdemeanor, and where such conduct is committed by:

1. A current or former spouse or intimate partner of the victim;
2. A person with whom the victim shares a child;
3. A person who is cohabiting or has cohabited with the victim as a spouse or intimate partner;
4. A person similarly situated to a spouse of the victim; or
5. Any other person against an adult or youth victim who is protected from that person’s acts under Pennsylvania’s domestic or family violence laws.

C. **Dating Violence**

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on such factors as the length of the relationship, the type of relationship and the frequency of the interaction between the persons involved. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse by one of the individuals to the other.

D. **Stalking**

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward or repeatedly communicates to another person with the intention of placing that other person in reasonable fear of bodily injury or to cause substantial emotional distress in the other person. Stalking may include repeatedly following, monitoring, harassing, threatening, intimidating or communicating to or about another person by phone, mail, electronic communication, social media, or any other action, device or method.

(The definitions in Section IV, B – D, above, are based on definitions of these concepts found in The Violence against Women Reauthorization Act of 2013, 42 U.S.C. §§ 13925(a) and 40002(a)).

E. **Other Prohibited Sexual Conduct**

This includes, but is not limited to:
● Sexual exhibitionism, for example, exposing oneself
● Sex-based cyber-harassment
● Prostitution or the solicitation of a prostitute
● Peeping or other voyeurism
● Other acts beyond the boundaries of consent, for example, allowing others to view consensual sex or the non-consensual video- or audio-taping of sexual activity

F. Pennsylvania’s Crimes Code Applies at DeSales University

If a person commits a crime of a sexual nature under Pennsylvania’s Crimes Code, regardless of whether such offense is listed in Section IV, A – E, above, that person has engaged in misconduct prohibited by Title IX which will also initiate the Title IX response by the University which is described in this Policy. Pennsylvania’s Crimes Code is found at http://www.legis.state.pa.us/WU01/LI/LI/CT/PDF/18/18.PDF. The website contains the entire Pennsylvania Crimes Code which includes sex crimes.

Consent

In order to fully understand what prohibited sex discrimination at DeSales University is, it is necessary to understand the concept of consent.

Consent means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor. The lack of informed, freely given consent to sexual contact constitutes sexual misconduct and a violation of Title IX’s prohibition against sex discrimination.

A person incapacitated by alcohol or drug consumption, or because of age, or by any other means, or who is unconscious or asleep or otherwise physically impaired, is incapable of giving consent. A person’s intoxication is not an excuse for failure to obtain mutual consent from another person before participating in any form of sexual activity with that person.

Additionally, the University maintains a policy that governs appropriate relationships between student – teacher and supervisor – employee. The Consensual Relations Policy can be accessed in each of the faculty, administrative/staff, and student handbooks
V. Protecting Yourself – Rape Drugs and Risk Reduction

Watch out for each other. If you are out with friends and one of them becomes intoxicated in an unusually short period of time, this is a warning sign. Perpetrators will often play the part of the rescuer in these situations, and offer care of your friends so you “do not have to ruin your night.” Have the courage and character to disrupt a situation like this and other potentially unsafe situations. As members of the DeSales University community, we are called to intervene and protect one another.

Risk Reduction

Awareness of common contributing factors to sexual assault will help you protect yourself and your friends. Here are some suggestions to reduce the risk of becoming a victim:

- Avoid excessive use of alcohol and do not use any drugs that are not prescribed. Know your limitations and be aware of your surroundings.
- Trust your instincts. If an individual makes you feel uncomfortable, remove yourself from the situation.
- Be assertive. Do not do anything you do not want to do. State clearly what you want and do not want. When you say “no,” the person should stop.
- Communicate. Think about what you really want before you get into a sexual situation, and clearly communicate your boundaries and limits. If someone makes you feel uncomfortable, tell him or her that early and firmly.
- Never assume anything, especially if alcohol or drugs are involved. If there is any doubt that what you are doing is consensual, stop what you are doing.
- Dangerous people often mask their true selves behind social media and online platforms. Take time to get to know any individual whom you meet online, especially someone who is not part of the University community and especially before inviting that person to campus.
- Be cautious about inviting someone into your room and about going to someone else’s room.
- Avoid walking alone if you are distracted, upset, or under the influence of any substance which may impair you.
- Never accept beverages, including non-alcoholic ones, from someone you do not know or trust. Never leave your drink unattended; get a new one if you do. Always open your own drink. Never drink from punch bowls or other common containers. If you are having a mixed drink, make your own.
- Avoid individuals who do not listen to you, ignore personal space boundaries, make you feel guilty, accuse you of being “uptight” for resisting sexual advances, express
sexist attitudes and jokes, act jealous or possessive.

**Rape Drugs**

Many sexual offenders use alcohol and other drugs to make it easier for them to control their victims. It is important to understand that any drug can be used as a rape drug. The following drugs are most commonly used to facilitate a sexual assault:

- Alcohol
- Ecstasy
- GHB (Gamma Hydroxy Butyrate)
- Special K
- Roofies (Rohypnol)

Symptoms of being dosed with rape drugs include:

- Rapid intoxication
- Slurred speech
- Poor motor control
- Vomiting
- Decreased sexual inhibitions
- Periods of amnesia or blackouts

If you think you or someone you know has been dosed with a rape drug, get to the hospital as soon as possible. Overdoses are life-threatening. Prompt medical attention can be life-saving.

It is also important to visit the hospital as soon as possible to get tested if you or someone you know may have been dosed with a rape drug or any other drug involuntarily. Rape drugs dissipate from the body quickly. You must specifically ask for a drug test because it may not be part of normal protocol. This evidence will aid in criminal prosecution if charges are filed.

**VI. References to “Complainant” and “Respondent”**

In the remainder of this Policy statement, the individual who reports or files a complaint of sex discrimination will from time to time be referred to as the “complainant” for ease of reference. Similarly, the Policy will from time to time refer to the person against whom the report or complaint of sex discrimination is made as the “respondent” for ease of reference. Both men and women may be the reporting party of sexual offenses.
VII. Action to Take If You Are the Victim of Sexual Violence or Any Other Type of Sexual Harassment

- Get to a safe place as soon as you can. Contact someone you trust to be with you.
  - If you are on campus, the University Police, with its department in the Lawless Center on the main campus, will assist you. Contact the University Police at ext. 1250 from a campus phone or call box or direct dial at 610-282-1002.
  - If you are off-campus, dial 911 in case of an emergency. You may also directly contact the closest police department for the area in which you are located. The University Police will always assist you in identifying proper police departments located off-campus. Simply dial the University Police at 610-282-1002 when you are off-campus. DeSales University is located within the jurisdiction of the Upper Saucon Township Police Department which can be contacted in case of an emergency at 911 from any non-campus phone when on or around campus or in case of a non-emergency at 610-282-3064.

- Get medical attention as soon as possible. (See Section VIII, Medical Attention, below.) If you have a medical emergency, dial 911. You may also call the University Police at the numbers indicated above. The University Police will assist to get you the necessary medical services, including the provision of transportation to a medical facility.

- Try to preserve all physical evidence. Although sexual offenses often make reporting parties want to wash or get rid of anything that reminds them of the trauma, it is important to preserve evidence. Do not wash your body, use the toilet, change your clothing, change bed linens, or wash any of these items. Do not eat or drink anything. If you have been consuming alcohol, refrain from drinking further. Prompt reporting will assist police in collecting and preserving evidence. It is important to have the evidence collected because, although you may not want to pursue a criminal complaint, you may change your mind in the future. Prompt reporting to the police will also contribute to an immediate, thorough and fair investigation. It is strongly recommended that you discuss with medical personnel and the police, including the University Police, preservation of your physical evidence during your first contact with them.

- Consider contacting the police for an investigation if a crime was committed. Also consider filing a Title IX complaint with DeSales University. (See Section XI, Reporting Sex Discrimination, below.) You may choose one, both or none of these options. Be aware that the filing of a complaint with the appropriate police department, if you were the victim of a crime, and the filing of a Title IX complaint, if you were the victim of any form of sex discrimination, will promote your safety
and the safety of others in the University community and at any other place where you were the subject of a crime or sex discrimination.

- While the filing of a complaint with a police department may result in a criminal investigation and criminal conviction against the respondent. This is different from filing a Title IX complaint with the University which will result in an immediate investigation, the taking of all appropriate remedial measures, and may result in administrative sanctions against the respondent.

- For support and advice, talk with an advocate or counselor of your choosing. Consider obtaining professional assistance from the University’s Counseling Center which is located in the Dorothy Day Student Union on the main campus and can be contacted at 610-282-1100, extension 1462. (See Section VIII. Medical Attention, below.)

VIII. Medical Attention

If you are the victim of sexual violence or other types of sexual harassment, get to a place of safety and seek immediate medical attention. The following is a list of local options for medical treatment and other services which you can pursue through the University Police or on your own:

Lehigh Valley Hospital Emergency Room, 1200 S Cedar Crest Boulevard, Allentown, PA 18103;

Lehigh Valley Hospital Emergency Room, 1627 Chew Street, Allentown, PA 18102;

Lehigh Valley Hospital (Muhlenberg) Emergency Room, 2545 Schoenersville Road, Bethlehem, PA 18017;

(These three emergency rooms are part of Lehigh Valley Health Network which has Sexual Assault Forensic Examiners (SAFE) on duty 24 hours a day. For medical treatment and evidence collection, report to any of these listed Lehigh Valley Health Network emergency departments.)

St. Luke’s Hospital, 810 Ostrum Street, Bethlehem, PA 18015. (This hospital has a Sexual Assault Nurse Examiner (SANE) Program.)

IX. Counseling, Educational Resources and Other Victim Services

University’s Counseling - Wellness Center. Any victim of sex discrimination and anyone concerned about these issues should consider obtaining assistance from the University’s Counseling Center which is located in the Dorothy Day Student Union. The counselors in this office offer a range of services to victims. Meetings with the licensed professional counselor and her trained staff are confidential. Meetings can be scheduled by calling 610-282-1100, extension 1462. Office hours are Monday, Tuesday, Thursday from 9 a.m. – 8 p.m.; Wednesday from 9 a.m. – 7 p.m. and Friday, 9a.m. to 4:30 p.m.
Students may also seek support from the University’s Health Center, the Office of Campus Ministry, the Dean of Students Office and the Office of the Vice-President for Student Life. Each of these offices is located in the Dorothy Day Student Union and most are open Monday through Friday, 8:30 a.m. to 4:45 p.m.

The Crime Victims Council of the Lehigh Valley/Rape Crisis Center. This off-campus agency offers assistance in a variety of ways. This includes accompanying you during any medical examinations. The trained individuals at this agency also offer support. The individuals at the agency can be contacted by telephone at 610-437-6611. Learn more about this resource on its website at http://cvclv.org/.

No Contact Administrative Directive. To protect the reporter of sex discrimination, the University can issue an administrative directive for no contact between the complainant and the respondent. An administrative directive is a written notification from the University’s administration for one student or campus employee to have no contact with another student or campus employee. Failure to comply with an administrative directive could result in an administrative sanction and even criminal charges depending upon the nature of the conduct in not complying with the directive. An administrative directive is tailored by the University to take into account the parties’ circumstances including class and extra-curricular schedules. Complainants and respondents can request the issuance of these directives which requests will be granted if the University can reasonably accommodate them or the circumstances warrant a directive’s issuance. The University can issue an administrative directive on its own initiative in situations deemed appropriate by the relevant professional staff for the complainant and respondent involved.

Protection from Abuse Act Order. Depending upon the nature of the conduct and relationship, if any, between the complainant and the respondent, the complainant may be eligible to secure from the local court an order against the respondent under Pennsylvania’s Protection from Abuse Act. Such an order, including a restraining order, could provide further protection for the complainant from sex discrimination by the respondent. The University Police can inform the complainant how to apply for this order and all aspects of the Protection from Abuse Act.

Chaperone Service. When requested, the University Police provide an escort for any member of the University community seven days per week and 24 hours per day. Call extension 1250 from any campus phone or by dialing 610-282-1002 from any non-campus phone.

Educational Programs. The University Police and Student Life offer sexual assault education and information programs to students and employees. These are available upon request except where mandatory provision of the programs is noted below. Literature on sexual assault prevention and risk reduction is available at the Counseling Center and Health Center (both in the Dorothy Day Student Union) and at the University Police Department (in the Lawless Center). On an annual basis, the University conducts or coordinates educational initiatives in conjunction with the following:

- Health & Wellness Fair – Each fall semester, the Counseling and Health Centers host a Health & Wellness community fair which welcomes various agencies, including the Crime Victims Council of the Lehigh Valley and Turning Point (www.turningpointlv.org), an abuse counseling center and refuge.
First-Year Student Orientation – The University provides a mandatory program on Title IX topics including potential perils of transitioning into a university community, types of sexual offenses and the reporting of sexual offenses, for all incoming and new students. A copy of this publication, Keeping our Campuses Safe, is provided to each student at Orientation. In distributing the publication, University staff stress the importance of its content.

START – This online course Student, Title IX, Alcohol, and Respect Training (START) is to educate all University students about the elements of healthy relationships, the importance of sexual consent, the impacts of alcohol overuse and the role of upstanders in creating safe, healthy communities. All incoming students are required to complete this course prior to orientation.

PACE – Peers Advising Counseling Education (PACE) is a small group of students who provide peer education programs that focus on alcohol, tobacco, violence, sexual health and safety, and justice issues. PACE mentors are specially trained and certified through the BACCHUS initiatives of NASPA, an international association of college and university-based peer education programs. Types of programs include Walk a Mile in Her Shoes each fall and presentations on body image, social media, mental wellness, etc.

Emergency Call Boxes. Emergency call boxes are strategically located throughout the Center Valley campus. They are either bright yellow in color or have a steady illuminated blue light near them to allow for easy locating. When activated, these call boxes immediately connect directly to the University Police.

Campus Crime Alerts. Timely warning notices are communicated via email and text message to the campus community whenever certain sexual offenses, or other serious crimes that create an imminent threat to the community, are reported. These alerts comply with the requirements of the Clery Act. (See Section X, The Clery Act, below.)

Bystander / “Upstander” Intervention. A bystander is someone other than the victim who is present when an act of sex discrimination is occurring or when a situation takes place in which a reasonable person feels as though some protective action is required to prevent a person from being the victim of a sexual assault or other sex discrimination. Bystanders, through a series of active strategies can be “Upstanders”, and can prevent harm or intervene before a situation gets worse. Examples of “Upstander” interventions include: not leaving an intoxicated person in a bar/party alone; walking a classmate to his/her car after class; calling police when a potentially violent or abusive situation is unfolding; not leaving an unconscious person alone by staying with the person and alerting the University Police, emergency medical services (EMS) or a Resident Advisor (RA); intervening directly or indirectly when someone else is being belittled, degraded or emotionally abused; escorting an apparent potential victim from an apparent potential abuser; and contacting others for help in any uncomfortable or dangerous situation by alerting the University Police, staff at the Counseling Center, an RA or the Dean of Students.
X. The Clery Act – Reporting of Crime Statistics

The Clery Act (Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, with its various amendments) applies at DeSales University. The Act is a federal statute designed to provide students, their families, employees and all who have or who contemplate an association with DeSales University with accurate, complete and timely information about safety on our campuses to make informed decisions.

The Clery Act requires institutions to report specified on-campus crimes, including crimes on public property within or immediately adjacent to the campus, that were reported to local police agencies or to any official of the University with significant responsibility for student and campus activities. The crimes reported are then included in the University’s federal- and state-mandated Annual Security Report which is distributed each year. Copies of the annual campus security report are made available by the University Police located in the Lawless Center on campus and on the internet at www.desales.edu/securityreport.

The University immediately notifies the campus community upon confirmation of any significant emergency or dangerous situation (including the commission of certain crimes) involving an imminent threat to the health or safety of students or employees on campus. The University uses integrated systems for these emergency notifications that include email, text, campus signage and C alerts. Depending upon the nature of the emergency, notifications will be sent across email and text only, or they will be sent across all of these mediums if there is immediate danger. These timely warnings are issued by the University’s Clery Act Compliance Team which is identified below. These campus alerts do not identify the reporting party.

The Clery Act Coordinator for DeSales University is Susan Anthony whose office is in the Lawless Center. She can also be contacted by phone at 610-282-1100, extension 1740 and by email at Susan.Anthony@desales.edu. She is part of the two-person “Clery Act Compliance Team” with Chief Steven Marshall of the University Police. Chief Marshall also has his office in the Lawless Center. He can be reached by phone at 610-282-1100, extension 1837 or by email at Steven.Marshall@desales.edu.

The Clery Act designates certain University personnel as Campus Security Authorities (CSAs). These individuals perform a vital task for the University in the collection of crime data. The commission of crimes at DeSales University can be reported to any of the CSAs and at the Lawless Center to either member of the Clery Act Compliance Team. The intent of making non-law enforcement personnel CSAs is to acknowledge that many reporting parties, students in particular, are hesitant to report crimes to the police, but may be more inclined to report incidents to other University officials. When someone tells a CSA about a crime or an incident that may be a crime, the CSA must collect the relevant information regarding the incident and submit a report to a member of the Clery Act Compliance Team.

The following are the University’s CSAs: all student affairs administrators, residence life staff including all Residence Advisors (RAs), all student or campus activity advisors, all University Police officers and Public Safety officers, the Athletic Director, all athletic coaches, Title IX professionals, and the Director of Human Resources. Pastoral and professional counselors are
included in those who are exempt from disclosing information revealed to them unless there is an imminent danger to the reporting party or others. (See Section XIII. Privacy and Confidentiality, below.)

XI. Reporting Sex Discrimination including Sexual Harassment and Sexual Violence

DeSales University encourages all individuals to report any instance of sex discrimination involving any DSU student, staff or faculty. If you are the victim of sexual assault, it is not your fault. If you have been the victim or know of sex discrimination, the University urges you to report it for the safety of all concerned. You have several reporting options.

First, if you believe that you were the victim of sex discrimination in the form of a sex crime which was committed on the main campus in Center Valley, you may file a report with the University Police at its department located in the Lawless Center on campus. You may also dial the University Police from a campus call box or campus phone at 911 for an emergency or 1250 for a non-emergency. The University Polices phone number is 610-282-1002. You may also report sex discrimination in the form of a sex crime directly to the Upper Saucon Township Police Department by dialing 911 from a non-campus phone for an emergency and by dialing 610-282-3064 for a non-emergency. In either of these events, the Upper Saucon Police will decide if there should be a criminal investigation and prosecution.

If a sex crime was committed off-campus, contact the police department where the crime was committed. The University Police will assist you in identifying and contacting the appropriate police department if the crime was committed off-campus. The University Police will assist you with any questions you may have.

Second, you may report any type of sex discrimination to the University—including sexual harassment, any type of sexual violence or a sex crime—which will result in a thorough, fair and impartial investigation, effective remedial measures and possible administrative disciplinary action, all under the provisions of Title IX.

To report any type of sex discrimination to the University, you may contact any of the following:

A. The DeSales University Police Department at the Lawless Center or by phone from any campus phone in an emergency by dialing extension 1250; for a non-emergency by dialing 610-282-1002 from any non-campus phone.

B. The Title IX Coordinator at DeSales University, who is the Dean of Students, Rev. Edward Ogden, OSFS. His office is located in Room 125 in Dorothy Day Student Union. His phone number is 610-282-1100, extension 1404. His email is Edward.Ogden@desales.edu.

C. The Deputy Title IX Coordinator, who is the Associate Director of Athletics / Senior Women’s Administrator, Gracia Perilli. Her office is located in Room 101A of Billera Hall. Her phone number is 610-282-1100, extension 1218. Her email address is Gracia.Perilli@desales.edu.
D. The Clery Coordinator, Susan Anthony. Her office is located in the Lawless Center. Phone extension 1740. Her email is Susan.Anthony@desales.edu.

E. The Director of Athletics, Scott Coval. His office is in Room 101B, Billera Hall. Phone extension 1351. His email is Scott.coval@desales.edu.

F. The Dean of Enrollment Management, Derrick Wetzel. His office is in Room 139, Dooling Hall. Phone extension 1711. His email is Derrick.Wetzel@desales.edu.

G. The Assistant Dean of Students for Campus Life & Student Conduct, Jennifer Bunting. Her office is in Room 125, Dorothy Day Student Union. Phone extension 1886. Her email is Jennifer.Bunting@desales.edu.

H. The Director of Residence Life, Melinda Quinones. Her office is in Room 142F, Dorothy Day Student Union. Phone extension 1411. Via email Melinda.Quinones@desales.edu.

I. The Executive Director of Human Resources, Margie Grandinetti. Her office is in the Lawless Center. Phone extension 1485. Her email is Margie.Grandinetti@desales.edu.

J. The Associate Provost, Dr. Robert Blumenstein. His office is in Room 152, Dooling Hall. Phone extension 1237. His email is Robert.Blumenstein@desales.edu.

K. The Dean of Graduate Education, Ron Nordone. His office is in Room 245, Gambet Hall. Phone extension 1289. His email is Ronald.Nordone@desales.edu.

L. The Executive Director of Lifelong Learning, Michael Yergey. His office is in Room 160, Dooling Hall. Phone extension 1345. His email is Michael.Yergey@desales.edu.

M. For study abroad, including the University’s Rome campus, reports can be made to the Director of International Learning, Brian MacDonald or to the faculty or staff member who accompanies DeSales students on the University sponsored trip or program. The Director of International Learning maintains an office in the Dorothy Day Student Union. (The phone number is 610-282-1100, extension 1510. The email address is Brian.MacDonald@desales.edu.)

When you report sex discrimination to the University, you will be invited to complete in privacy our standard University form so that the essential information is secured. Each of the persons listed in this section, can also explain the University’s available services, University administrative options that you have, and procedures that will be followed. You may also choose to report anonymously or non-anonymously using an electronic form available at www.desales.edu/titleix. The University has a responsibility to contact and follow up with any parties named in the form. Please be aware that leaving out names may limit how the University can respond to reports of sex discrimination.

Students should report off-campus sex discrimination incidents to the people just identified.
above. A significant reason for reporting off-campus incidents is to reduce the possibility of subsequent harassment or retaliation on-campus for those who may have been victims or witnesses to the alleged discrimination.

In reporting sex discrimination, you may choose Title IX administrative process with the University; civil process with local law enforcement; you may pursue both courses of action simultaneously; or you may choose to take no action.

Reporting an incident is not the same as prosecuting a person. Even if you do not want to press charges, the University encourages you to report the assault to law enforcement authorities. All Lehigh County criminal justice agencies are required to notify the District Attorney’s Office of any sexual offenses which are alleged to have occurred in the county.

In reporting sex discrimination, you may choose the Title IX administrative process with the University; have the option to pursue a criminal complaint with the appropriate law enforcement agency, you may pursue both courses of action; or you may choose to take no action. While sex discrimination should be reported immediately, it can be reported at any time. Sex discrimination to be reported includes that which is perpetrated by other students, faculty, staff, alumni, third parties who are on campus such as visitors or those who are contracted to work on campus, and other third parties such as trespassers. Upon learning of an incident of sex discrimination, no matter what reporting option you choose, the University will conduct an investigation and take action in accord with Title IX to ensure that it is providing a safe environment for the entire University community.

XII. **Protecting You/ Immediate Action to Keep the Campus Safe**

Once the University has received notice of alleged sex discrimination, the following protections will take effect:

A. The parties (complainant and respondent) and any potential witnesses will be treated with courtesy and respect.

B. The University will assure that the parties are safe.

C. The University, through the University Police, will take all steps necessary to make certain that needed medical care is provided. The University Police will provide transportation to medical facilities on an emergency basis as needed. If chosen, a University official will accompany any individual for this medical care.

D. An administrative investigation of the complaint will immediately begin so that the University can identify and rectify, on an ongoing basis, any dangerous conditions on campus, patterns of discrimination or systemic problems that are uncovered.

E. The University Police will answer any questions about the criminal justice process, the University’s Title IX administrative disciplinary process and services available.
for all parties involved.

F. If the incident results in criminal proceedings, the University’s investigation of the complaint will still proceed but aspects of it may be temporarily suspended to accommodate the investigation in the criminal matter by the involved law enforcement agency. The University cooperates with the Lehigh County District Attorney’s Office, Upper Saucon Township Police Department and other county law enforcement agencies to make sure incidents are properly investigated, to comply with Title IX and to promote safety for all concerned.

G. Changes may be made in the complainant’s and respondent’s academic, living and employment situation upon request, if the University can reasonably accommodate the request. The University may make such changes on its own initiative after weighing all of the circumstances of each party, including issuing no contact directives to the parties involved. The goals of these adjustments are the safety, well-being and academic stability of the parties.

H. Suspension from living on-campus or from the University may occur, pending final resolution of the sex discrimination complaint, after taking into account the nature of the allegations, the investigation(s) to date and all other circumstances.

I. The University will make certain that the parties are provided this publication with its explanation of the Title IX process at DeSales University and the services available for them, particularly counseling (see Sections VIII and IX above).

J. The University will regularly keep the complainant and respondent informed of the status of its investigation.

XIII. Privacy and Confidentiality

To the extent possible, with the reporting of sex discrimination matters, the University will respect a complainant’s and other reporting individual’s request for confidentiality or request to withhold identifying information. However, under the circumstances of given matters, the ability to honor such a request may be limited due to the University’s Title IX obligation to protect everyone on campus through investigation and corrective action. Also, in a Title IX sex discrimination investigation and administrative disciplinary process, it may be necessary to share information with people, such as investigators, witnesses and the respondent, who need to know the accumulated information for a variety of legitimate reasons.

If it becomes apparent to the University at any point that it cannot honor a request for confidentiality or to withhold identifying information, the University will immediately inform the person who made the request.

The University will only notify an off-campus police department of discrimination in the form of a sex crime if the victim gives permission to report the crime to that department.

The University will always conduct a Title IX investigation and take necessary corrective action upon the reporting of sex discrimination. Before proceeding under Title IX with an investigation and administrative disciplinary proceeding against a respondent, however, the
University will always seek the informed consent of the complainant of sex discrimination.

If a person seeks assistance from counselors at the University Counseling Center, the Health Center, Campus Ministry or off-campus crisis resources such as the Crime Victims Council of Lehigh Valley, individuals consulted will honor the confidentiality of the person seeking assistance, unless there is an imminent danger to the reporting person or to others.

XIV. **Amnesty for Other Potential Policy Violations**

At times, people are hesitant to report the occurrence of sex discrimination to University officials or other personnel because they are concerned that they themselves may be charged with other policy infractions, for example, alcohol or visitation violations. While these other violations are not condoned, the importance of dealing with alleged sex discrimination outweighs the University’s interest in addressing lesser violations. Accordingly, the University will not pursue disciplinary action against those who make a sex discrimination complaint or who are named as witnesses to an incident.

XV. **Intimidation or Retaliation**

A person who is contemplating or who has filed a sex discrimination report should not feel pressured in any respect by a third party. The University prohibits actual and threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of sex discrimination. The University also prohibits actual or threatened retaliation or intimidation against those who cooperate or are in any way involved in the University’s investigation or administrative disciplinary proceedings stemming from sex discrimination complaints. Such conduct will result in administrative disciplinary proceedings by the University and, depending upon the circumstances, even criminal proceedings. A reporting party or witness who is threatened in any way should immediately report this to the University Police or to the University’s Title IX Coordinators.

XVI. **University’s Administrative Investigation of Sex Discrimination Complaints (“Title IX Investigation”)**

If you file a complaint with the University alleging sex discrimination, the University will then conduct a prompt, thorough and impartial investigation. The complainant’s consent to the investigation will be sought. A purpose of the investigation is to determine what occurred and whether there is sufficient evidence of sex discrimination. A second, equally important reason for the investigation is for the University to eliminate any circumstances which led to sex discrimination, to address any effects of the discriminatory conduct on the complainant and others, and to ensure that the University is safe for an optimum healthy learning environment.

If the respondent is a student, the investigation will be conducted jointly by the Director of Student Conduct and the Chief of the University Police. If the respondent is anyone else, the investigation will be conducted jointly by the Director of Human Resources and the Chief of the University Police.

The investigators will inform the complainant and respondent about the initiation of the investigation. They will give the parties copies of this publication, *Keeping Our Campuses Safe,*
which includes explanations of the University's investigation, hearing and appeal procedures. During the investigation, the investigators will give equal opportunity to the complainant and the respondent to present witnesses for interview, to make statements and to provide other evidence. Both the complainant and the respondent will be given updates about the status of the investigation as it proceeds. They will be offered support services as needed and described herein. They will have ready access to the Title IX Coordinators to answer any questions at any time. All parties will be treated with sensitivity and fairness.

The investigation of each complaint of sex discrimination will be completed within sixty (60) days of the filing of the complaint unless that period is extended by the Title IX Coordinator for good cause. Because of the gravity of sex discrimination, all individuals having information about the alleged discrimination should cooperate fully with the investigators.

The investigators will prepare a final investigative report and will submit the report to the Title IX Coordinator. The final investigative report will include the factual determinations made as a result of the investigation. In presenting these factual determinations the investigators will use a “preponderance of the evidence” standard. This means that the investigators will only make factual determinations where it is more likely than not that an event occurred based upon the evidence that is uncovered during the investigation. Also, investigators will only conclude that sex discrimination occurred where it is more likely than not that the factual findings amount to sex discrimination barred by Title IX. The complainant and the respondent will be advised in writing by the Title IX Coordinator of the results of the investigation.

If the Title IX Coordinator, in consultation with the appropriate University department(s), judges the nature of the subject sex discrimination to be such that the presence on campus of the respondent may be a threat to the University community, the Title IX Coordinator may suspend the respondent from the University or, in the case of a student respondent, also from residence halls and related areas until the administrative disciplinary hearing process is concluded. Suspension from the University may also occur if the respondent has been charged with a felony by a law enforcement agency.

**XVII. Administrative Disciplinary Process**

If the result of the Title IX investigation is the conclusion that, by a preponderance of the evidence, the respondent has engaged in sex discrimination, the respondent will be required to participate in the University’s Title IX administrative disciplinary process. This may include an informal disposition, or a hearing with adjudication.

The Title IX Coordinator will gauge the seriousness of the alleged sex discrimination solely from the allegations made in the complainant’s initial report of sex discrimination. The Title IX Coordinator will decide if a voluntary (by both parties) informal disposition, such as the respondent’s participation in appropriate education or the imposition of agreed discipline, should be proposed to the parties for resolution of the allegations or whether a formal administrative disciplinary hearing is necessary.

Within ten (10) days of the completion of the Title IX investigation, the Title IX Coordinator will set up a meeting with the complainant and a separate meeting with the respondent. The Title IX Coordinator will explain separately to the parties the Title IX administrative hearing
process and the option for an informal resolution if that option is available after consideration of
the nature of the allegations. The Title IX Coordinator will assure that each party has a copy of this
publication, *Keeping Our Campuses Safe*, which addresses all matters related to the Title IX
administrative disciplinary process.

Each party has the right to refuse an informal disposition, to stop the informal disposition
process if it has already begun, and to insist on resolution of the matter through the formal
administrative hearing process. Allegations of sexual assault and other serious forms of sex
discrimination must be adjudicated through the formal hearing process before the Title IX Hearing
Committee described in the following sections. When the Title IX Coordinator submits a Title IX
complaint to the Title IX Hearing Committee for disposition, the Title IX Coordinator shall provide
simultaneously to the parties a copy of the Title IX investigative report.

A. **Title IX Hearing Committee**

The Title IX Hearing Committee (Committee) hears and decides all cases referred to it by
the Title IX Coordinator under the procedure described in the immediately preceding paragraphs
(Section XVII).

The Committee is comprised of three members: an administrator chosen by the Title IX
Coordinator, a faculty member chosen by the University’s academic deans, and an external party
to the University, chosen from a pool of candidates with expertise in adjudicating legal
proceedings. The Committee members will be selected with particular regard for their objectivity,
judicial temperament and maturity of judgment. The individual with expertise adjudicating legal
proceedings will serve as the chairman of the Committee to assure the efficient conduct of the
hearing.

Decisions on findings-of-fact, disciplinary measures, if any, and remedial action shall be
determined by majority vote of the Committee members, each of whom has an equal voice in the
decisions. The chairman will designate who will maintain the minutes of the hearing or the method
by which the proceedings will be recorded. The Committee shall resolve the issues submitted to
it through a formal written report with findings-of-fact and final determinations.

B. **Time Limitations on Actions by Title IX Hearing Committee**

The Title IX hearing shall be promptly scheduled after a matter is referred to it following
the Title IX investigation. The hearing shall be scheduled so that the parties have sufficient time
to prepare for it. The hearing shall begin no later than forty-five (45) days after the matter is
submitted to the Committee for hearing unless a party presents good cause to the Title IX
Coordinator to believe that more time is needed to prepare for the hearing.

Within ten (10) days of the completion of the hearing, the Committee’s written report shall
be submitted to the Provost when the respondent is a faculty member; to the Vice President for
Student Life when the respondent is a traditional undergraduate student; and to the Vice President
for Administration, Finance and Campus Environment when the respondent is a graduate or
ACCESS student, or staff member. A copy of the report, with any portions redacted as required by
law, shall be provided to each of the parties. The report shall be forwarded by the respective officer
to the Title IX Coordinator as a record of the University.
C. Hearing Process

1. At least two weeks before the hearing, the complainant and the respondent will receive written notice of the time, date, place and purpose of the hearing. Any requests by either party to participate in the hearing via video conference, Skype, or by phone or for partitioned space in the hearing should be made at least ten days in advance of the scheduled time/date.

2. Each party is invited to have an advisor, including an attorney, at the hearing. The advisor will have a non-speaking and non-participatory role except to offer comfort and advice to the given party.

3. At the hearing, the chairman will introduce the members of the Committee, read the allegations or complaint and review hearing procedures as necessary.

4. The respondent will enter a plea of admission to or denial of the sex discrimination alleged.

5. The individuals who conducted the Title IX investigation shall appear at the hearing in a neutral capacity. They shall present all relevant witnesses for questioning by the Committee.

6. The complainant may appear at the hearing and may offer the testimony of witnesses and other evidence.

7. The respondent may appear at the hearing and may offer the testimony of witnesses and other evidence. The respondent will have the right to remain silent and not to present any evidence. If they exercise these rights, their decision will not be used against them in any fashion.

8. The Title IX investigators, the complainant, the respondent and witnesses may offer live testimony, which is the preferred method. Information may be presented through written statements for good reason determined in the discretion of the Committee.

9. Only the Hearing Committee may ask questions of the parties and witnesses but the investigators, complainant and respondent may submit topics in writing for the Hearing Committee to explore. These topics may be submitted to the Title IX Coordinator before the hearing and to the Committee at the hearing.

10. The respondent’s past disciplinary record may not be considered on the determination of whether sex discrimination occurred but it may be considered if sanctions are to be imposed and remedial action taken.

11. At the conclusion of the presentation of the evidence, all will be excused from the hearing room except for the Committee which will deliberate.

12. Based only on the evidence presented at the hearing, the Committee will decide the following by using the “preponderance of the evidence” (more likely than not) standard and by a majority vote:

   a. Whether the respondent committed the sex discrimination alleged.
b. The sanction(s), penalty(ies) and any other remedial measure(s) to be imposed on
the respondent if the respondent is found responsible.

c. Length of time that the sanction will be in effect.

d. Any recommendations that the Committee may have for the University to prevent
future sex discrimination and to otherwise have a safe campus conducive to
scholarly pursuits.

13. The Committee will prepare and submit its report as set forth Section XVII.B above. All
evidence from the hearing will be maintained with the Hearing Committee’s report.

14. Should the complainant or respondent not appear at the Title IX hearing, the hearing will be
conducted without that person’s presence and a decision will be rendered. If it is later
determined by the Committee that good cause existed for the party’s non-attendance, the
hearing may be reopened, at the discretion of the Hearing Committee, for additional
evidence from that non-attending party which additional evidence will be considered in
rendering the final decision.

15. Due to the sensitivity of issues in some cases, the Committee is given the discretion to
fashion appropriate measures for the protection of all parties involved.

XVIII. Possible Sanctions, Penalties and Remedial Actions Through the Administrative
Disciplinary Process

If a respondent is found by the Hearing Committee to be responsible for the commission
of sex discrimination, the Committee may impose any of the following measures or combination
of them:

• *Administrative Letter of Censure* – This is a letter provided by the Hearing Committee to
the respondent indicating that he/she committed sex discrimination and that any further
misconduct will result in more severe disciplinary action.

• *Community Service Hours* – Work done throughout the University to atone for any
misconduct that was found to have been committed.

• *Education Programs or Workshops* – Attendance at sessions designed to address the facts
of given cases, such as a victim’s awareness education.

• *Counseling* – Designed to address respondent’s motivation for the misconduct.

• *Loss of Privileges* – Denial of specific campus privileges for a specified period of time.

• *Residential Probation (for student respondents only)* – An official warning issued by the
Hearing Committee but only after taking into account the seriousness of the sex
discrimination and the respondent’s disciplinary record at the University. The warning will
indicate that any future sex discrimination or any other disciplinary violations may result
in loss of residential and visitation privileges.

• *Disciplinary Probation (for student respondents only)* – A status between good standing
and suspension from the University. It is imposed for a period of not less than one semester
and may affect financial aid for the following semester. It may also include such restrictions as the denial of the opportunity to represent the University as an athlete or officer of a student organization. Future sex discrimination and any other disciplinary violations may result in the loss of the privilege of residing in or visiting residence facilities, suspension from the University, or expulsion from the University.

- **Residential Suspension (for student respondents only)** – Loss of the right to reside in or visit University residence halls and related areas for a specified period of time.
- **Residential Eviction (for student respondents only)** – Permanent loss of the right to reside in or visit University residence halls and related areas.
- **Suspension (for student respondents only)** – Separation of the student from the University for a stated period of time (minimum of one semester). The student will be barred from all University-owned property and will be barred from all University-sponsored activity for the period of the suspension determined by the Hearing Committee.
- **Expulsion (for student respondents only)** – Permanent separation of the student from the University. The student will be barred from all University-owned property and will be barred from all University-sponsored activities.
- **Suspension from the University with Pay (for faculty and other employees only)** – This shall be for a specified time.
- **Suspension from the University without Pay (for faculty and other employees only)** – This shall be for a specified time.
- **Termination from Employment (for faculty and other employees only).**
- **Other** – Measure(s) adopted by the Hearing Committee to promote the safety of the University and to enhance the educational experience for all members of the University community.

**XIX. Appeal from Title IX Hearing Decision**

Both the complainant and the respondent have a right to appeal the decision of the Hearing Committee. A party may appeal the decision by filing a written appeal within thirty (30) days of that party’s receipt of a copy of the Title IX Hearing Committee’s written decision.

The appeal must be filed at the office of the Title IX Coordinator (his office is in Room 125 in the Dorothy Day Student Union) or at the office of the Assistant Title IX Coordinator (her office is in Room 121 in Dorothy Day Student Union) by completing a written appeal).

The appeal shall be decided by the Provost in the event of an appeal by a faculty member and by the Vice President for Student Life for an appeal by a student and all others. The decision on an appeal submitted to one of these officers of the University shall be final except when an expulsion or an employment termination from the University is affirmed on appeal in which event the Executive Vice President of the University, with plenary authority, shall make a final review to decide if the expulsion or termination is appropriate.
An appeal may be filed on one or more of the following grounds only:

a. A procedural or substantive error occurred that significantly impacted the outcome of the hearing, for example, a conflict of interest by a Hearing Committee member or material deviation from established procedures.

b. There exists new evidence, unavailable during the hearing, which could substantially impact the Hearing Committee’s findings. A summary of this new evidence and its potential impact must be explained on the appeal form.

c. The sanctions imposed are unreasonable, after consideration of the sex discrimination committed, its effect on the complainant, its effect on the University community, and respondent’s disciplinary record, if any.

If a party presents in the written appeal reason to believe that the party is entitled to relief under grounds (a) or (b) above, the appeal authority shall remand the matter to the Title IX Hearing Committee for further proceedings as the Hearing Committee determines appropriate consistent with Title IX and fairness to the parties. As to ground (c) above, the appeal authority shall grant relief when deemed appropriate under the responsible exercise of discretion by the appeal authority taking into account the entire hearing record.