

SUSQUEHANNA UNIVERSITY POLICY AND PROCEDURES FOR TITLE IX SEXUAL HARASSMENT AND FOR STUDENT COMMUNITY STANDARDS SEXUAL MISCONDUCT AND GENDER BASED VIOLENCE

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 sexual misconduct in any form, including 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://www.susqu.edu/documents/about/anti-harassment-nondiscrimination-policy.pdf>.

II. SCOPE OF POLICY

The Susquehanna University Policy and Procedures for Title IX Sexual Harassment applies to all faculty, staff, and students. Student Community Standards Sexual Misconduct and Gender-Based Violence applies to all Susquehanna University students. Alleged misconduct subject to this Policy (“Prohibited Conduct”) includes both Title IX Sexual Harassment (which is defined by law) and, with respect to the conduct of students, Community Standards Sexual Misconduct and Gender Based Violence (which includes allegations that do not meet the definitions under Title IX, but nonetheless violate Susquehanna University’s community standards) as discussed further in the Definitions (Section IV) 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.

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:

Dena Salerno, Title IX Coordinator and Dean for Diversity and Inclusion, 570-372-4302
salerno@susqu.edu, Degenstein Campus Center

Jennifer Bucher, Deputy, Title IX Coordinator for Employees and Vice President of Human Resource, 570-372-4157, bucherjennifer@susqu.edu, Selinsgrove Hall

Colleen Bunn, Deputy Title IX Coordinator, Director of Residence Life, 570-372-4137,
bunn@susqu.edu, Degenstein Campus Center

Please contact any of the above with questions regarding Title IX or this Policy. Questions may also be directed 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
Email: OCR@ed.gov

IV. 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 X(C).

Appeal Officer: The individual responsible for determining an appeal under Section XII. The Appeal Officer may be Susquehanna University employee or an external contractor. The Appeal Officer will not be the Title IX Coordinator, nor the Investigator or Hearing Officer who were assigned to the matter that is the subject of the Appeal.

Community Standards Sexual Misconduct and Gender Based Violence: Community Standards Sexual Misconduct and Gender Based Violence includes conduct by a student or a recognized student organization (either referred to as a “student” for purposes of this definition) that does not constitute Title IX Sexual Harassment or is not subject to the filing of a Formal Complaint as Title IX Sexual Harassment because the Complainant is not participating or attempting to participate in the University’s education program or activity, but that (a) has continuing adverse effects on or creates a hostile environment for individuals participating or attempting to participate in Susquehanna University’s education program or activity, or otherwise has a reasonable connection to Susquehanna University; and (b) constitutes one of the following:

- **Community Standards Sex Discrimination:** Discrimination on the basis of sex.
- **Community Standards Sexual Harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Susquehanna University’s education program or activity. Community Standards Sexual Harassment also includes the following:
 - **Community Standards Sexual Assault/Rape:** Penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim.

- **Community Standards Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim. This touching can include, but is not limited to, kissing, grabbing, groping, or touching the private parts of another, or causing the other to touch the harasser's private parts.
- **Community Standards Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Community Standards Sexual Exploitation:** An act or omission to act that involves a student taking non-consensual, sexual advantage of another, either for the student's own advantage or the benefit of a third party. Consent is defined below in Section V. Examples of sexual exploitation include but are not limited to the following:
 - Creating a picture(s), movie(s), webcam, tape recording(s), graphic written narrative(s), or other means of memorializing sexual behavior or a state of undress of another person without the other's knowledge and consent;
 - Sharing items described in the paragraph above beyond the boundaries of consent where consent was given. For example, showing a picture to friends where consent to view it was given for oneself only;
 - Observing or facilitating observation by others of sexual behavior or a state of undress of another person without the knowledge and consent of that person;
 - "Peeping Tom" or voyeuristic behaviors;
 - Engaging in sexual behavior with knowledge of an illness or disease that could be transmitted by the behavior without full and appropriate disclosure to the partner(s) of all health and safety concerns;
 - Engaging in or attempting to engage others in "escort services" or "dating services" which include or encourage in any way sexual behavior in exchange for money;
 - Intentionally, knowingly, or surreptitiously providing drugs or alcohol to a person for the purpose of sexual exploitation; or
 - Exposing another person to pornographic material without the person's advance knowledge or consent.
- **Community Standards 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.
- **Community Standards 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.

- **Community Standards 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.

Complainant: An individual who is alleged to be the victim of Prohibited Conduct.

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

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 Susquehanna University investigate the allegations of Prohibited Conduct. The Title IX Coordinator also may sign a Formal Complaint, as discussed in Section X, but does not become the Complainant by doing so. In order to file a Formal Complaint for Title IX Sexual Harassment, a Complainant must be participating in or attempting to participate in Susquehanna University education program or activity at the time a Formal Complaint is filed. If not, the matter may proceed as a violation under Community Standards Sexual Misconduct and Gender Based Violence.

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

Informal Resolution Facilitator: The individual responsible for facilitating Informal Resolution, as discussed in Section X(D). The Informal Resolution Facilitator may be a Susquehanna University employee or an external contractor.

Investigator: The individual responsible for conducting the investigation of alleged Prohibited Conduct, as discussed in Section XI(A). 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: Prohibited Conduct includes Title IX Sexual Harassment and Community Standards Sexual Misconduct and Gender Based Violence.

Respondent: An individual who has been reported to have engaged in any form of Prohibited Conduct or an organization that has been reported to have engaged in Community Standards Sexual Misconduct and Gender Based Violence.

Title IX Sexual Harassment: Title IX Sexual Harassment means conduct on the basis of sex that involves an employee of Susquehanna University conditioning the provision of an aid, benefit, or service of Susquehanna University on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Susquehanna University's education program or activity. Title IX Sexual Harassment also includes the following:

- **Title IX Sexual Assault:** Sexual assault includes any of the following Prohibited Conduct:
 - 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.
 - The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim.
 - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Title IX 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.
- **Title IX 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.

- **Title IX 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.

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.

V. RETALIATION

Retaliation against an individual for participating in any way in a report, investigation, hearing or other proceeding under this Policy is strictly prohibited. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual 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. The University will handle all allegations of retaliation by students using our Student Code of Conduct and by employees in accordance with University employee policies. In evaluating whether retaliation has occurred, Susquehanna University may consider whether the conduct in question constituted the exercise of rights protected under the First Amendment or was covered by another Institution policy, including with respect to freedom of expression or academic freedom.

VI. CONSENT

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.¹ 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,

¹ 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.

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.

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.

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.

VII. REPORTING

Any person may report conduct constituting possible Prohibited Conduct to the Title IX Coordinator in person, by mail, by telephone, by email or online². The Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (*see* Section IX) 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 Complaint Processes (*see* Section XI). 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 in order 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. A Complainant is not required to submit a Formal Complaint in order to receive Supportive Measures.

A. Anonymous Reporting

With the exception of Authorized and Responsible Employees, discussed in Section VII(B), any individual may anonymously report allegations of Prohibited Conduct via the online reporting form available at: www.susqu.edu/titleix. 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 a preliminary investigation. 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. The University will not fail or refuse to investigate an anonymous report because it is anonymous.

B. Reports to Authorized and Responsible Employees

² 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.

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 made³, as follows:

- **Authorized Employees:** A disclosure or report of Prohibited Conduct made to an Authorized Employee (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 Authorized Employees are required to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator, including all information that has been disclosed to the Authorized Employee, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc. The following individuals are Authorized Employees:
 - Title IX Coordinator and Deputy Title IX Coordinators
 - Dean of Students and Campus Life
 - Vice President for Student Life

- **Responsible Employees:** 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”) triggering a response under this Policy. Susquehanna University, as a matter of policy, requires Responsible Employees to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator, including all information that has been disclosed to the Responsible Employee, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc. The following individuals are Responsible Employees:
 - All faculty, staff or student staff members, employed by the University who have not otherwise been specifically identified and defined in this Policy as a Confidential Resource or a Semi-Confidential Resource as defined in Section [XV].

All students and employees, even if not Authorized or Responsible Employees, are encouraged to report instances of possible Prohibited Conduct to the Title IX Coordinator.

C. Privacy and 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

³ If the reported incident involves the abuse of a minor, , all employees regardless of designation are mandated by law to report the incident.

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 for Title IX Sexual Harassment without implementing the Formal Complaint Processes in Section X.

The Complainant is not required to file a Formal Complaint to receive Supportive Measures (*see* Section IX), 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 in order to comply with a no-contact order). Susquehanna University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the Supportive Measures.

Only certain professionals at Susquehanna University are legally required to keep information shared by an individual truly confidential, without reporting it to the Title IX Coordinator. Those confidential resources and support services are discussed further in Section XV.

D. 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. 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.

VIII. 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 of 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 Dean of Students (for student removals) or the Vice President of Human Resources (for employee removals) will undertake an individualized safety and risk analysis concerning Respondent at the request of the Title IX Coordinator. An Emergency Removal will be imposed only if the VP for Human Resources or the 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.

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 will notify Respondent of the terms imposed in connection with an Emergency Removal. Respondent has the opportunity to challenge the Emergency Removal upon receipt of that notice. In order to challenge the Emergency Removal, Respondent shall submit an appeal via email to the VP for Student Life (for students), the Executive Vice President (for staff) or the Provost and Dean of Faculty (for Faculty) within three (3) calendar days from the date of the notice of Emergency Removal, explaining why Emergency Removal is not appropriate. In evaluating the appeal, the VP for Student Life or Executive Vice President for Staff or Provost and Dean of Faculty for faculty, 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 VP for Student Life or Executive Vice President for Staff or Provost and Dean of Faculty for faculty shall issue a decision as soon as possible under the circumstances. The decision is final and not subject to further appeal.

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

IX. SUPPORTIVE MEASURES

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to Complainants or Respondents upon request, when deemed by the Title IX Coordinator to be appropriate and reasonably available. Supportive Measures may also be imposed at the initiative and in the sole discretion of the Title IX Coordinator. Supportive Measures 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. Supportive Measures may be of any duration and may be modified at the discretion of the Title IX Coordinator, as circumstances warrant. Supportive Measures will be kept confidential to the extent doing so does not impair Susquehanna University ability to provide them.

Supportive Measures may include, but are not limited to, the following:

- Access to medical and mental health services, including counseling services;
- Extensions of deadlines or other course-related adjustments;
- Modification of work or class schedules;
- Mutual restrictions on contact between the parties (*i.e.*, “no contact” orders);
- Changes in work or housing locations;
- Leaves of absence;
- Assistance finding additional financial aid options, if income, financial resources, or employee/student status changes
- Advocacy in seeking visa and/or immigration assistance
- Assistance utilizing the Employee Assistance Program
- A no contact order (Such a directive 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 VIP 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 Public 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.
- 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.

X. FORMAL COMPLAINT PROCESSES

In order to commence Formal Complaint Processes, a Complainant must file a Formal Complaint for Prohibited Conduct with the Title IX Coordinator. Alternatively, if the Title IX Coordinator has received a report of Prohibited Conduct, but the Complainant elects not to submit a Formal Complaint, the Title IX Coordinator has the discretion to sign the Complaint if the Title IX Coordinator deems doing so necessary to address Prohibited Conduct, including in order to provide a safe and nondiscriminatory environment for all members of its community. In doing so, the Title IX Coordinator does not become the Complainant.

There is no time limit within which a Complainant must file a Formal Complaint. However, at the time a Formal Complaint for Title IX Sexual Harassment is filed, the Complainant must be participating or attempting to participate in Susquehanna University programs or activities.⁴ 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 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
- 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 X(C)
- The identity of the Investigator as described in Section XI(A)
- Notice that the Parties may inspect and review evidence gathered during the investigation as discussed in Section XI(B)
- 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 Complaint Processes

If additional allegations of conduct that might constitute Prohibited Conduct are identified during the course of the investigation and will be included in the Formal Complaint Processes, the Title IX Coordinator will issue an updated notice.

B. Dismissal for Purposes of Title IX Sexual Harassment

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:

- Even if proved, the misconduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in Section IV;
- 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.

Further, if any of the following circumstances are met, the Title IX Coordinator may dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment, 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; or
- 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 via email. The notice will advise the parties whether the Formal Complaint will proceed further and, if so, whether it will do so as possible Community Standards Sexual Misconduct and Gender-Based Violence (for students) or the University's Anti-Harassment and Non-Discrimination policy (for employees). 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 by email within three (3) calendar days of the date of the Title IX Coordinator's email. The appeal will be determined using the procedures set forth in Section XII.

The decision whether the matter will proceed as potential Community Standards Sexual Misconduct and Gender-Based Violence or as a possible violation of the Anti-Harassment and Non-Discrimination policy is not subject to appeal.

C. 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 (“Formal Complaint Process Proceedings”). 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. 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.

As discussed in Section XI(D)(5), 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 XI(D), Advisors may not speak aloud during any Formal Complaint Process Proceedings, including by addressing anyone other than the individual for whom they are an Advisor. 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 Susquehanna University representative conducting the Formal Complaint Process Proceeding. 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 X(D)(7), will be required to leave and may be prohibited from participating in future Formal Complaint 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.

D. 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, and any consequences of participation (*e.g.*, as it relates to any subsequent formal resolution if Informal Resolution is not achieved).

Informal Resolution can be commenced at any point prior to the conclusion of a Hearing under the Formal Resolution Processes. It is conducted by an Informal Resolution Facilitator appointed by the Title IX Coordinator. The Complaint, 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.

Informal Resolution may take many forms as agreed to between the Complainant, Respondent and Title IX Coordinator, including, but not limited to:

- **Mediation**: Mediation may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Mediation typically does not require an admission of responsibility for the Prohibited Conduct by the Respondent.
- **Restorative Justice**: Restorative Justice may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Restorative Justice typically requires an admission of responsibility for the Prohibited Conduct, or certain allegations, by the Respondent.

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.

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 to the Dean of Students and 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.

XI. FORMAL RESOLUTION PROCESS

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 a number of factors, including but not limited to the appeal of a dismissal as discussed in Section XII, 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.

A. Investigation

The written notice described in Section X(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 conduct an investigation of the allegations in the Formal Complaint, and is 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 X(C).

B. 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 Processes. 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.

C. Hearing Notice

After the investigation report has been provided to the Parties and their Advisors, if any, and not fewer than 10 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;
- The individual to serve as the Hearing Officer; and
- That at the request of either party, 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. Requests for separate rooms must be submitted to the Title IX Coordinator via email at least 5 calendar days before the Hearing.

Any Party may object to the Hearing date or challenge the appointment of the Hearing Officer for bias or conflict of interest by submitting a written objection to the Title IX Coordinator via email within three (3) calendar days⁵ of the Title IX Coordinator issuing the Hearing Notice. The Title IX Coordinator, in their sole discretion, shall determine whether the Hearing Officer

should be removed and/or the Hearing rescheduled. Once the Hearing Officer is confirmed, the Title IX Coordinator will provide the Hearing Officer with a copy of the investigation report.

D. 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 Hearing Officer. The Parties and their Advisors may be present throughout the Hearing, with the exception of any recesses for which they are excused by the Hearing Officer. 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 Hearing Officer. If a Party fails to attend a Hearing, the Hearing may be held in the Party's absence, at the discretion of the Hearing Officer.

- i. **Witnesses:** At least 7 calendar days before the Hearing, the Hearing Officer 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 Hearing Officer 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 Hearing Officer, who will advise the requesting Party of the final decision. If the request is approved, the Hearing Officer will advise the other Party as well.
- ii. **Documents:** All documentary evidence provided to the parties under Section XI(B) 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 Hearing Officer.
- iii. **Relevance:** The Hearing Officer 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 Hearing Officer. 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 Hearing Officer 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 X(C), the Advisor may not address the Title IX Coordinator, Investigator, Hearing Officer, 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 in Section XI(D)(7). An Advisor who fails to do so may, at the sole discretion of the Hearing Officer, 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 Hearing Officer shall recess the Hearing until Susquehanna University appoints an Advisor for purposes of cross-examination. Advisors provided by Susquehanna University will be adults with an understanding of the purpose of cross-examination.
- vi. **Hearing Procedures:** The procedures here provide the general framework for any Hearing. The Title IX Coordinator or Hearing Officer 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 be recorded by means of an audio recording, if the hearing occurs in person. If the hearing occurs virtually it will be recorded using audiovisual technology. Recesses taken or approved by the Hearing Officer, including for the Hearing Officer 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 Hearing Officer will hear from the Complainant first, followed by the Respondent. Each Party will have the opportunity to provide relevant evidence to the Hearing Officer. The Hearing Officer 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. If a Party does not submit to cross-examination, the Hearing Officer must not rely on any statement of that Party in reaching a determination regarding responsibility, regardless of where, when or in what forum the statement was made. The Hearing Officer 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 Hearing Officer will determine whether questions are relevant prior to the Party answering the question. If the question is deemed not relevant, the Hearing Officer will provide a brief explanation and the question will be precluded. The Hearing Officer'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 the testimony of witnesses. Like the Parties, any witness may appear remotely, with technology allowing the Hearing participants to simultaneously see and hear the witness. If a witness does not submit to cross-examination, the Hearing Officer must not rely on any statement of that witness in reaching a determination regarding responsibility, regardless of where, when or in what forum the statement was made. The Hearing Officer 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 Hearing Officer'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 Hearing. Individuals failing to follow the Rules of Decorum may be directed to leave the Hearing, at the Hearing Officer's sole discretion. Although the Hearing Officer 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.

- Be respectful of all hearing participants.
- Be mindful of non-verbal behaviors.
- Use calm voices, avoid shouting or raising of voices.
- Allow others to speak without interruption.
- Correctly identify all parties by their identified pronouns.
- Avoid badgering a party or witness by asking the same question repeatedly. Respect hearing officer's decisions regarding the relevance of questions; do not object to hearing officer

E. Hearing Outcome Letter

Within 3 calendar days of the conclusion of the Hearing, the Hearing Officer will issue the Hearing Outcome Letter via email to the Parties.

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.

F. Sanctions and Remedies

i. Sanctions

If the Respondent is found responsible for any Prohibited Conduct, the Title IX Coordinator will provide the Hearing Officer with the Respondent’s prior conduct record for consideration in the Hearing Officer’s assignment of a sanction or sanctions. The range of available sanctions includes:

Primary Conduct Sanctions for Students 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 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 Suspension: temporary separation from university premises, and other privileges or activities, as set forth in the suspension notice. Students 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 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.

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.

Expulsion: permanent termination of student 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 who has been expelled is not eligible for readmission. Students expelled from Susquehanna University are not allowed on Susquehanna University's premises and will receive a No Trespass Order from Public Safety. 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.

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 Individual Handbook.)

Title IX Sexual Harassment 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. Remedies

The Title IX Coordinator is responsible for the implementation of remedies designed to 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.

G. 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 10 calendar days of the Hearing Officer's issues of the Hearing Outcome Letter. Appeals may be based on only one of the following:

- A procedural irregularity that affected the determination of responsibility;
- 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 Hearing Officer 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.

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

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. Upon receipt of an appeal, 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 Officer 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 Officer 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 Officer should be identified.⁶

The Title IX Coordinator will forward the appeal and the other Party's response to the Appeal Officer. The Appeal Officer 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 Hearing Officer as deemed appropriate in the Appeal Officer's sole discretion.

For appeals from a Dismissal in Section X(B), the Appeal Officer will typically issue a written decision on the appeal, including the result and a brief rationale, within 7 calendar days of the Hearing Officer's receipt of the appeal materials.

For appeals from a Hearing Outcome, the Appeal Officer will typically issue a written decision on the appeal, including the result and a brief rationale, within 7 calendar days of the Appeal Officer's receipt of the appeal materials.

The appeals officer has the ability to uphold the decision, send it back for a new hearing in front of the same hearing officer, send it back for a new hearing with a different hearing officer or reach a different outcome.

The Appeal Officer's decision is final. No further appeals are permitted.

H. 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.

I. TRAINING

Any individual serving as Susquehanna University Title IX Coordinator, Investigator, Informal Resolution Facilitator, Hearing Officer or Appeal Officer 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.

a. Prevention and Education

Sexual misconduct and gender-based 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 ⁷so 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>

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:

- Discussion of sexual misconduct and gender-based violence
- Discussion of consent

⁷ Risk reduction programming is performed to help students build the capacity to recognize potentially harmful situations.

- 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 full prevention policy can be found in the Student Handbook.

J. SUSQUEHANNA UNIVERSITY AND COMMUNITY RESOURCES

a. Semi-Confidential Resources

Semi-Confidential Reporters are required to report the nature, date, time, and general location of an incident to the Title IX Coordinator and, under certain circumstances, to the Department of Public Safety, but are not required to report the Complainant’s name or other personally-identifiable information 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. If the University determines that the Respondent(s) pose a serious and immediate threat to the campus community the Department of Public Safety may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the Complainant. For more information on timely warnings see Section XII.

At Susquehanna, Semi-Confidential Reporters are limited to individuals who work or volunteer in the on-campus Health Center or Violence, Intervention and Prevention Center, including front desk staff and student workers. Following is contact information for these non-professional counselors and advocates:

<p>Health Center 620 University Avenue, Selinsgrove, PA 570-372-4385 <i>For emergencies at lunch (noon – 1 p.m.) or after hours call 570-374-9164 to reach the on-call nurse. This nurse is available 24 hours/day, 7 days/week during the academic schedule.</i></p>
<p>Violence, Intervention, and Prevention (VIP) Center Location: Lower Level of Blough Weis Library Phone Number: 570-372-4063 <i>Available resources for faculty, staff, and students.</i></p>

An individual who speaks to a confidential or semi-confidential resource must understand that, if the individual wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue University disciplinary action against the Respondent. Even so, these counselors and advocates will still assist the individual in receiving other necessary protections and support.

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 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 the contact information for these individuals:

<p>Counseling Center 606 University Avenue, Selinsgrove, PA (570) 372-4751—business hours (570)-374-9164—after hours</p>
<p>University Chaplain Weber Chapel (570) 372-4220</p>
<p>Director of Jewish Life Hillel House—514 University Ave. Selinsgrove, PA (570) 372 – 4440</p>

Employee Assistance Program
workhealthlife.com/Standard3
(888)-293-6948 or TDD: 1-800-327-1833

c. 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:

- Physical Exam
- Emergency Contraception
- STD/HIV Medications
- 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.

d. 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:

Transitions of PA (comprehensive crime center)	
VIP Center, Blough Weis Library	120 S. 3 rd St. Lewisburg, PA 17837
570-372-4377 or 570-217-6312	1-800-850-7948
24/7 at 1-800-850-7948	

Other local counseling resources can be found on the Counseling Center's website:
<https://www.susqu.edu/campus-life/student-and-campus-services/counseling-services>

e. 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:

Transitions of PA (comprehensive crime center) VIP Center, Blough Weis Library 570-372-4377 or 570-217-6312 24/7 at 1-800-850-7948	120 S. 3 rd St. Lewisburg, PA 17837 1-800-850-7948
North Penn Legal Services 133 N 2 nd St. Sunbury, PA 17801 570-286-5687	
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/	

f. 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:

Immigration Support Service 2215 Millennium Way Enola, PA 17025 1-800-437-7313
Find your local embassy at the nearest location: https://www.usembassy.gov/

G. 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 Public 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 Department of Public Safety will work alongside Selinsgrove Borough Police Department and organize a co-occurring investigation.

RESOURCES

F. Clery Compliant Resources

Preserving Information and Tangible Materials

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 Public Safety to collect any trinkets, notes, gifts, etc. that someone may have left for you to find.
- Record the names of any witnesses.

Information on Medical Amnesty for Individuals Reporting Sexual Misconduct and Gender Based Violence: 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.

For situations outside of sexual misconduct and gender based violence a Complainant or a third-party witness, may be eligible for medical amnesty under the Medical Amnesty Policy. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. For the complete Medical Amnesty Policy for students, please see the Student Handbook at www.susqu.edu/student_handbook.

Timely Warning

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.