

TITLE IX, SEXUAL ASSAULT, & GENDER-BASED VIOLENCE POLICY

Effective August 8, 2025

I. POLICY STATEMENT

Susquehanna University is committed to fostering a living, learning and working environment free of discrimination and harassment. The University is subject to Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §§1681, *et seq.*, which states that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Susquehanna University does not discriminate on the basis of sex and will not tolerate sex and gender-based discrimination or harassment in any form, including sexual harassment as defined by Title IX, Susquehanna University’s community standards or other University policies.

II. SCOPE OF POLICY

The core purpose of this policy is the prohibition of all forms of discrimination. This *Title IX, Sexual Assault, & Gender-Based Violence Policy* (“the Policy”) applies to all faculty, staff, and students.

Alleged discrimination and harassment, defined as Prohibited Conduct (*see* Section VI), subject to this Policy includes both Title IX Prohibited Conduct and, with respect to the conduct of students, other definitions of sex and gender-based discrimination (which include allegations that do not meet the definitions under current Title IX regulations) as discussed further in Definitions (*see* Section V) and Prohibited Conduct (*see* Section VI) below. Allegations of sex discrimination, sexual harassment and other forms of sexual misconduct on the part of faculty, staff, volunteers, or contractors not constituting Title IX Prohibited Conduct are subject to the University’s Policy on Harassment and Discrimination 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:

Chelsey Eiel, Director of Title IX Compliance (Title IX Coordinator)
570-372-4321, eiel@susqu.edu | titleix@susqu.edu, Human Resources

Amy Davis, Deputy Title IX Coordinator and Assistant Director of Inclusion & Diversity 570-372-4590, davisam@susqu.edu, Degenstein Campus Center

Refer to <https://www.susqu.edu/campus-life/campus-safety/title-ix-compliance/> other members of the Title IX Team.

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

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

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

Assistant Secretary for Civil Rights
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Telephone: 800-421-3481
TDD#: 877-521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

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

[Equal Employment Opportunity Commission \(EEOC\)](#)
Philadelphia District Office
801 Market Street, Suite 1000
Philadelphia, PA 19107-3126
Telephone: 1-800-669-4000 / 267-589-9700
TTD: 1-800-669-6820
ASL Video Phone: 844-234-5122
Email: PDOCContact@eeoc.gov
Web: <https://www.eeoc.gov/field-office/philadelphia/location>

IV. JURISDICTION

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

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

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

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

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

V. DEFINITIONS

Terms used in this Policy have the following meanings:

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

Appeal Decision-Maker: The individual responsible for determining an appeal under Section XV(K). The Appeal Decision-Maker may be a Susquehanna University employee or an external

decision-maker. The Appeal Decision-Maker will not be the Title IX Coordinator, nor the Investigator nor Decision-Maker who were assigned to the matter that is the subject of the Appeal.

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

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

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

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

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

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

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

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

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

Prohibited Conduct: Behavior and/or conduct that is prohibited by this Policy. It includes Title IX Prohibited Conduct definitions and other forms of sex and gender-based discrimination and harassment as defined in Section VI. Acts of Prohibited Conduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Relevant Evidence: Evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint, and is not otherwise impermissible as described in Section XV (e.g. medical records which the Party has not authorized disclosure; or prior sexual behavior as described).

Respondent: An individual who has been reported to have engaged in any form of Prohibited Conduct, including sexual harassment or an organization that has been reported to have engaged in Prohibited Conduct as defined in Section VI.

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

VI. PROHIBITED CONDUCT

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

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

A. Discrimination on the basis of sex

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

Reported incidents of discrimination on the basis of sex will be addressed via the University's Policy on Harassment and Discrimination.

B. Title IX Prohibited Conduct

1. **TIX Sexual Harassment:** TIX Sexual harassment includes conduct on the basis of sex, or that is sexual in nature, that satisfies one or more of the following:
 - a. *Quid Pro Quo:* an employee of the University, implicitly or explicitly conditions the provision of an aid, benefit, or service of the University, on an individual's participation in unwelcome sexual conduct
 - b. *Hostile Environment:* unwelcome conduct determined by a reasonable person to be so severe and pervasive, and objectively offensive that it effectively denies a person equal access to Susquehanna University's educational program or activity.
 - Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. This definition is broad enough to potentially encompass forms of sex-based disparate treatment, even if not harassing in nature.
2. **TIX Sexual Assault:** includes any of the following:
 - a. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the alleged victim.
 - b. The intentional touching of another person's clothed or unclothed body parts without consent, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
 - c. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Non-forcible sexual intercourse with a person who is under the statutory age of consent.
3. **TIX Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship,

and (iii) the frequency of interaction between the persons involved in the relationship.

4. **TIX Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.
5. **TIX Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

C. Community Standards Prohibited Conduct

May apply to conduct that occurs outside of Title IX Prohibited Conduct jurisdiction requirements, as long as such conduct affects a substantial University interest as determined by the Title IX Coordinator. This may include:

1. **Sexual Harassment:** unwelcome conduct determined by a reasonable person to be severe or pervasive and objectively offensive that unreasonably interferes with, limits or effectively denies a person equal access to Susquehanna's program or activity.
2. **Sexual Assault:** includes any of the following:
 - a. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the alleged victim.
 - b. The intentional touching of another person's clothed or unclothed body parts without consent, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

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

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

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

VII. 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. When determining whether consent was present, the University will consider whether a reasonable person(s) in the same position as the Respondent(s) knew, or reasonably should

have known, whether a Complainant was able to freely give consent and whether consent was given. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent. 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.

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

- *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. 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.

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

- *Force*: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- *Coercion*: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. To constitute coercion, the conduct must effectively deprive the Complainant of their free will to engage in the conduct at issue.
- *Incapacitation*: Consent cannot be obtained from an individual who is incapacitated, where a reasonable, sober person initiating sexual activity would have known or reasonably should have known that the individual was incapacitated. An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to Consent. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Incapacitation is a state beyond drunkenness or intoxication, where an individual cannot make a knowing and deliberate choice to engage in the sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, the inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. An individual also may be incapacitated due to a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

VIII. RETALIATION

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

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

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

IX. REPORTING

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

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

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

A. Anonymous Reporting

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

B. Confidential Resources

Confidential Resources will not share information about an incident unless (1) given permission to do so by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of

a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

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

- Counseling and Psychological Services, 606 University Ave. Selinsgrove, PA | 570-372-4751 (24/7)
- University Chaplain, Degenstein Campus Center / Weber Chapel | 570-372-4220
- Director of Jewish Life, Hillel House | (570)-372-4440
- Campus Victim Advocate, Violence Intervention and Prevention Center / Transitions of PA | 1-570-490-2698 (business hours) | 1-800-850-7948 (24/7)
- Student Health Center, 620 University Ave. Selinsgrove, PA | 570-372-4385(business hours) | 570-374-9164 (after hours)
- Employee Assistance Program | eap.lucethealth.com (code: Susquehanna)| 1-800-624-5544

C. Reports to Officials with Authority and Responsible Employees

There may be instances when a student or employee discloses alleged Prohibited Conduct to an employee of Susquehanna University. Whether that disclosure constitutes actual notice to the University triggering its response obligations under this Policy, depends on the role of the employee to whom the disclosure is made¹, as follows:

1. **Officials with Authority:** A disclosure or report of Prohibited Conduct made to an employee in this category (regardless of whether the disclosure is made by the Complainant or a third party) constitutes a report to the University (*i.e.*, actual knowledge), triggering a response under this Policy. All Officials with Authority are required to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator, including all information that has been disclosed to the Official with Authority, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc. The following individuals are Officials with Authority:
 - Title IX Coordinator and Deputy Title IX Coordinators

¹ If the reported incident involves the abuse of a minor, all employees regardless of designation are mandated by law to report the incident.

- Vice President for Student Life and Dean of Students
2. **Responsible Employees:** While a disclosure or report of Prohibited Conduct made to a Responsible Employee (regardless of whether the disclosure is made by the Complainant or a third party) does not constitute a report to the Institution (i.e., is not “actual knowledge”) as defined by Title IX, as a matter of policy, Susquehanna University, requires Responsible Employees to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator.

Employees must also promptly share all known details of a report made to them in the course of their employment, regarding details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

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

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

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

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

D. Privacy and Confidentiality

Susquehanna University respects the privacy² of individuals involved in any report of alleged Prohibited Conduct, meaning the Title IX Coordinator and others responsible

² For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of University employees who “need to know” in order to assist in the assessment, investigation, and resolution of the complaint. All employees who are involved in the University’s response to notice under this Policy receive specific training and guidance

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

The Complainant is not required to file a Formal Complaint to receive Supportive Measures (*see* Section XI), but there may be instances when disclosing the

Complainant's identity is necessary to provide certain Supportive Measures (*e.g.*, where the Respondent would need to know the identity of the Complainant to comply with a no-contact order). Susquehanna University will maintain privacy when Supportive Measures are provided to the Complainant or Respondent, to the extent that maintaining such privacy would not impair its ability to provide the Supportive Measures.

E. False Reports and Other False Information

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

F. Time Limits on Reporting

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

about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records is protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the University's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws (including Title IX) that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses (*see* Section IX(B)).

G. Amnesty

The health and safety of every person at Susquehanna University is of utmost importance. SU recognizes that students who have been drinking or using drugs, whether such use is voluntary or involuntary, at the time that Prohibited Conduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of Prohibited Conduct 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.

H. Timely Warnings

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

X. EMERGENCY REMOVALS

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

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

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. An Emergency Removal may involve the denial of access to some or all of Susquehanna University campus facilities, academic program, or other programs or activities. While Susquehanna University may provide alternative

academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (*e.g.*, changes in housing) do not constitute Emergency Removals.

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

Any of the identified administrators within this Section may also assign their respective responsibilities to a designee.

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

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

Separate from the Emergency Removal process, the Title IX Coordinator may request that Chief Human Resources Officer place an employee-Respondent on an administrative leave, with pay. Other policies may govern the University's ability to impose an interim suspension or other appropriate remedy for conduct that violates other University policies.

XI. SUPPORTIVE MEASURES

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to Complainants and Respondents upon request, when deemed by Susquehanna University to be appropriate and reasonably available. The Title IX Coordinator will serve as the point of contact for the affected individuals to ensure that the supportive measures are effectively implemented. Supportive Measures may also be imposed at the initiative and in the sole discretion of the Title IX Coordinator. Supportive Measures are offered without fee

or charge to the parties and are available beginning at any time after the submission of a report of Prohibited Conduct.

Supportive Measures that Susquehanna University may implement may include, but are not limited to, the following:

- Referral to counseling, medical and/or healthcare services;
- Referral to community-based service providers;
- Academic support, extensions of deadlines or other course/program-related adjustments;
- Modification of work or class schedules;
- Altering campus housing assignment(s);
- Altering work arrangements for employees or student employees;
- Assistance navigating the leaves of absence process;
- Assistance finding additional financial aid options, if income, financial resources, or employee/student status changes
- Safety planning
- Education to the community or community subgroup(s)
- Advocacy in seeking visa and/or immigration assistance
- Assistance utilizing the Employee Assistance Program
- Transportation accommodations;
- Restrictions on contact between the parties (*i.e.*, “no contact” notices).³ Such an order serves as notice to both parties that they must not have verbal, electronic, written, or third-party communication with one another);
- Access to campus safety escorts;
- Increased security and monitoring of certain areas; or
- Any other measures deemed appropriate by the Title IX Coordinator to preserve equal access to Susquehanna University programs and activities.

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

XII. PRESERVATION OF EVIDENCE

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

Here are some tips on preserving evidence:

³ Violations of no contact notices or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

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

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

XIII. FILING A FORMAL COMPLAINT

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

In order to commence an Informal Resolution (see Section XIV) or Formal Resolution Process (see Section XV), a Complainant must file a Formal Complaint alleging Prohibited Conduct under this Policy with the Title IX Coordinator. Pursuing a Formal Complaint does not preclude a Complainant from pursuing the filing of criminal charges.

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

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

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

A. Written Notice

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

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

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

B. Dismissal for Purposes of Title IX Prohibited Conduct

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 Prohibited Conduct:

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

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

- Complainant notifies the Title IX Coordinator in writing that Complainant wishes to withdraw the Formal Complaint or any allegation in it;
- Respondent is no longer enrolled or employed at Susquehanna University
- Specific circumstances prevent Susquehanna University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegation.

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

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

C. Counterclaims

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

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

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

D. Advisors

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

As discussed in Section XV(G), for complaints involving Title IX Prohibited Conduct, 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.

The University cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

Except when conducting cross-examination as discussed in Section XV(G), Advisors may not speak on behalf of the person they are advising. The Advisor may confer with the individual whom they are advising quietly or by means of written notes. Parties may request a brief recess to consult with their Advisor, which may be granted at the sole discretion of the Investigator, Title IX Coordinator or Decision-Maker depending on who is leading the scheduled meeting, interview, hearing, etc. An Advisor whose presence is deemed at that individual's sole discretion to be improperly disruptive or inconsistent with Rules of Decorum established by the University, as discussed in Section XV(G)(7), will be required to leave and may be prohibited from participating in future Formal Resolution Process proceedings.

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

1. **Sharing Information with the Advisor:** The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. The University provides a consent form that authorizes the University to share such information directly with a party's Advisor with respect to FERPA. The parties must complete and submit this form to the Title IX Coordinator before the University is able to share records with an Advisor. Advisors are expected to maintain the privacy of the records shared with them.
2. **Changing Advisors:** A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least 5 business days before the hearing.

XIV. INFORMAL RESOLUTION PROCESS

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

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

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

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

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

This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms. When the parties cannot agree on all terms of resolution, the Formal Resolution Process will resume at the same point where it was paused.⁴⁵

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

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent. The outcome will be 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) business days of the Parties documenting their agreement to participate. That period may be extended at the discretion of the Title IX Coordinator, with notice to the parties.

XV. FORMAL RESOLUTION PROCESS

The formal resolution procedures for Title IX Prohibited Conduct and for Community Standards Prohibited Conduct differ. All Title IX Prohibited Conduct will be addressed pursuant to the hearing procedures in Section XV.G. Community Standards Prohibited Conduct where a student is the Respondent will be addressed pursuant to the hearing procedures in Section XV.H. Community Standards Prohibited Conduct where a faculty or staff member is the Respondent will be addressed pursuant to the procedures in the University Policy on Harassment and Discrimination.

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

Susquehanna University strives to resolve Formal Complaints within ninety (90) business days of the submission of a Formal Complaint but balances its desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that timeframe. Delays might also result from several factors, including but not limited to 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 XIII(A) will identify the appointed Investigator. Either Party may object to the Investigator on the grounds of conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, by submitting an objection to the Title IX Coordinator in writing within three (3) business days of receipt of the issuance of the written notice. The Title IX Coordinator, in their sole discretion, shall determine whether a different Investigator should be appointed.

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

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

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

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

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

B. Investigation Process Delays and Interactions with Law Enforcement

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

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

C. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all the alleged misconduct, the Title IX Coordinator will determine the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary. The Respondent has the right to appeal only based on the ground that the sanctions were grossly disproportionate to the violation committed.

If the Respondent accepts responsibility for only some of the alleged policy violations, then the Formal Resolution Process will continue for the alleged policy violations that they have not accepted responsibility for, and appropriate sanctions for all violations Respondent is found responsible for will be determined at the conclusion of the Formal Resolution Process.

D. Witness Role and Participation in the Investigation

Witnesses (as distinguished from the parties) who are employees of the University are required to cooperate with and participate in the University's investigation and

Formal Resolution Process. Student witnesses and witnesses from outside the University community are encouraged to cooperate with University investigations and to share what they know about a complaint.

E. Investigation Report

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

Prior to completing the investigation report, the Investigator will send to both Complainant and Respondent, and their Advisors, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether it is anticipated that the evidence will be used at the hearing or in connection with any decision on responsibility. The Parties are strictly prohibited from disclosing or disseminating the evidence to any third parties and from using it for purposes other than carrying out the Formal Resolution Process. Complainant and Respondent will have ten (10) business 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, 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.

F. General Hearing Procedures

1. Hearing Notice

After the investigation report has been provided to the Parties and their Advisors, if any, the Title IX Coordinator will issue a Hearing Notice via email advising the Parties of the following:

- The date, time and location of the Hearing;
- The specific charges of Prohibited Conduct subject to disposition at the Hearing and a brief description of the conduct resulting in the charges;
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence; Notification that the parties must have the assistance of an advisor for the purpose of cross examination;

- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance and/or interpretations services that may be needed at the hearing prior to the hearing; and
- The individual to serve as the Decision-Maker.

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

2. Appointing a Decision-maker

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

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

The Title IX Coordinator may not serve as a Decision-Maker in the matter but may serve as an administrative facilitator of the hearing. The Title IX Coordinator can also identify a designee who may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Title IX Coordinator or designee.

3. Pre-Hearing Meeting

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

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

G. Hearings for Title IX Prohibited Conduct

Hearings will be scheduled no less than 10 business days from the issuance of the investigative report.

The only individuals who may appear at a Hearing are the Complainant and Advisor, Respondent and Advisor, and witnesses called by the Decision-Maker. The Parties and their Advisors may be present throughout the Hearing, with the exception of any recesses

for which they are excused by the Decision-Maker. Witnesses are permitted to be present only when providing testimony. The Investigator and Title IX Coordinator may be present throughout the Hearing, as may other Susquehanna University representatives at the discretion of the Decision-Maker. If a Party fails to attend a hearing, the hearing may be held in the Party's absence, at the discretion of the Decision-Maker.

1. **Witnesses:** At least 5 business days before the Hearing, the Decision-Maker will advise the Parties which witnesses will be requested to provide testimony at the Hearing. No later than 2 business days after such notice, the Parties may request that additional witnesses be requested to be present at the Hearing. The request must be submitted to the Decision-Maker in writing, including a brief description of why the information is relevant to the determination of responsibility. Whether or not to approve such request as potentially providing relevant information shall be in the sole discretion of the Decision-Maker, who will advise the requesting Party of the final decision. If the request is approved, the Decision-Maker will advise the other Party as well.
2. **Documents:** All documentary evidence provided to the parties under Section XV(E) will be made available at the hearing, as well as all evidence produced by the Parties in their response. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Decision-Maker. No party or witness may introduce relevant evidence at the hearing if it was not first vetted by investigators during the investigation phase of the resolution process unless the Parties and Decision-Maker agree that it can be raised at the hearing. The Decision-Maker may re-open the investigation to review and vet such evidence before considering it at the hearing.
3. **Relevance:** The Decision-Maker is responsible for making all determinations of relevance as to witnesses, questions and documentary evidence presented at the Hearing. For purposes of this Policy, "relevant" means that the evidence is probative of any material fact. Evidence that is not relevant will be excluded at the hearing and may not form the basis for any decision by the Decision-Maker. Evidence that is duplicative of evidence already in the hearing record may be deemed not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
4. **Standard of Proof:** The Decision-Maker will make decisions on responsibility using a preponderance of evidence standard of proof.

Preponderance of Evidence means that the evidence demonstrates that the outcome is more likely than not.

5. **Advisors at Hearing:** The parties may be accompanied by their Advisor at the Hearing. As discussed in Section XIII(D), the Advisor may not address the Title IX Coordinator, Investigator, Decision-Maker, other Advisors or any other individuals participating in the hearing. The only exception is with respect to cross-examination as discussed below. Like the parties, Advisors are required to adhere to the Rules of Decorum applicable to Hearings, as outlined below. An Advisor who fails to do so may, at the sole discretion of the Decision-Maker, be required to leave the Hearing. The parties shall inform the Title IX Coordinator whether they will be accompanied at the Hearing by their Advisor of choice by no later than 5 business days before the Hearing. If a party has not identified an Advisor, Susquehanna University will provide one for the sole purpose of conducting cross-examination as discussed below. The Parties may not conduct cross-examination themselves; cross-examination must be performed by an Advisor. If an Advisor is required to leave a Hearing for failure to adhere to the Rules of Decorum or for any other reason, the Decision-Maker shall recess the hearing until Susquehanna University appoints an Advisor for purposes of cross-examination. Advisors provided by Susquehanna University will be professional staff with an understanding of the purpose of cross-examination and ongoing training.
6. **Hearing Procedures:** The procedures here provide the general framework for a hearing on Title IX Prohibited Conduct. The Title IX Coordinator or Decision-Maker may alter certain procedures as deemed appropriate in their sole discretion to aid in the equitable resolution of the matter.
 - a. *Recording:* The Hearing will occur virtually and it will be recorded using audiovisual technology. Recesses taken or approved by the Decision-Maker, including for the Decision-Maker to consult with the Title IX Coordinator, Investigator or any other Susquehanna University representative, will not be recorded.
 - b. *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.
 - c. *Parties:* Generally, the Decision-Maker will hear from the Complainant first, followed by the Respondent. Each Party will have the opportunity to provide relevant evidence to the Decision-Maker. The Decision-Maker will ask relevant follow-up questions of each party. Each Party's Advisor will have the opportunity to ask cross-examination questions of the other Party. Advisors are reminded of the importance of adhering to the Rules of Decorum in cross-examining the Parties and any witnesses. The Decision-

Maker cannot draw an inference regarding responsibility based solely on a Party's absence from the Hearing or refusal to answer questions. With respect to cross-examination, Advisors are limited to asking only relevant questions. The Decision-Maker will determine whether questions are relevant prior to the Party answering the question. If the question is deemed not relevant, the Decision-Maker will provide a brief explanation and the question will be precluded. The Decision-Maker's decision is not subject to challenge or objection during the Hearing.

- d. *Witnesses*: A similar process and the same rules that apply to Parties will apply to witness statements. Like the Parties, any witness may appear remotely, with technology allowing the Hearing participants to simultaneously see and hear the witness. The Decision-Maker cannot draw an inference regarding responsibility based solely on a witness's absence from the Hearing or refusal to answer questions. The Investigator may be called as a witness. At the Decision-Maker's discretion, the Investigator may be asked to testify before the Parties to facilitate an efficient presentation of evidence.
 - e. *Closing Statements*: Each Party will have the opportunity to make a brief closing statement. The Parties will make any statements themselves, not through their Advisor.
7. **Rules of Decorum**: The following Rules of Decorum apply to Parties, Advisors and witnesses participating in any part of the formal or informal resolution process. Individuals failing to follow the Rules of Decorum may be directed to leave the meeting, interview, proceeding or hearing, at the Title IX Coordinator, Investigator, or Decision-Maker's sole discretion. Although the Title IX Coordinator, Investigator, and Decision-Maker may provide warnings or reminders of the Rules of Decorum before such removal, a pre-removal warning or reminder will not necessarily be provided depending on the nature of the conduct in question. A full list of Rules of Decorum will be reviewed with all Parties and Advisors prior to any interviews, proceedings, and/or hearings; participants will be asked to affirm their intention to follow the rules of decorum. Advisors are present during interviews and hearings primarily to assist the party being interviewed. The interviewed party is responsible for presenting their own information. Advisors are not typically permitted to speak for a party and do not have an active role during any meetings or interviews except to advise their advisee.
- a. Advisors may not act abusively or disrespectfully toward any University personnel during the Title IX process. The advisor may not yell, scream, or badger.

- b. An Advisor may be removed or replaced if their presence is disruptive, obstructive, or unreasonably interferes with the University's ability to address the complaint. In such a case, the Complainant or Respondent may seek another Advisor.
- c. Advisors may take no action during the interview or hearing that a reasonable person would view as intended to intimidate a party, witness, or official into not participating in the process or meaningfully modifying their participation in the process. This behavior may also be a form of retaliation.
- d. The Advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness.
- e. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
- f. The Advisor may not ask repetitive questions or questions that will elicit an answer that is repetitive. This includes questions that have already been asked by the Decision-Maker or an Advisor during cross-examination. When the Decision-Maker determines that a question is duplicative or is otherwise not relevant, the Advisor must move on to another question.
- g. Correctly identify all parties by their identified pronouns.

8. Mitigation/Impact Statements: Parties may provide the Title IX Coordinator mitigation or impact statements within 3 business days following the end of the Hearing. These statements will be provided to the Decision-Maker only if the Decision-Maker has found the Respondent responsible for a Policy violation based on a preponderance of the evidence.

H. Hearings for Community Standards Prohibited Conduct with a Student-Respondent

1. **Process:** The University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias.
 - a. Hearings may be conducted in person or via videoconferencing.
 - b. The Title IX Coordinator/designee may determine that the hearing will continue in the absence of any party or any witness.
 - c. The Decision-Maker shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing.

- d. The Decision-Maker shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.
- e. **Recording:** Each hearing shall be recorded by the University and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place.
- f. **Prior to the Hearing:** The parties and the Decision-Maker all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) business days in advance of the hearing.
- g. **Preliminary List of Questions:** Three (3) days prior to the hearing, each party shall submit to the Decision-Maker a preliminary list of questions they wish to pose to the other party, or to a witness. If the Decision-Maker determines that any questions are not relevant or seek otherwise impermissible evidence, the Decision-Maker shall exclude the question and explain the reason for the exclusion of the question at the hearing.
- h. **Witnesses:** Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Decision-Maker will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Decision-Maker may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.
 - i. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.
 - ii. The Decision-Maker must give a party an opportunity to clarify or revise any question that the Decision-Maker has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.
- i. **Advisors:** Each party is entitled to be accompanied by one advisor at the hearing. The role of the advisor is to assist the party with understanding and navigating the proceedings. The advisor may not advocate for, respond for, or otherwise speak on behalf of a party

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

- j. **Hearing Participation Guidelines:** The Decision-Maker shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and, when necessary, to adjourn the hearing or exclude the disruptive person.
- k. **Statements, Questioning and Presentation of Evidence:** During the hearing, each party will be permitted to provide an opening statement. Following opening statements, the Decision-Maker will call parties and witnesses for questioning. The order of questioning shall be determined by the Decision-Maker. The Decision-Maker will pose questions to the parties and witnesses including the questions the Decision-Maker approved to be asked that were submitted by each party prior to the hearing. Each party will then be provided an opportunity to submit follow-up written questions to the Decision-Maker for the Decision-Maker to pose to the other party or witnesses.
 - i. If the Decision-Maker determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Decision-Maker shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted but off an opportunity to the party to reframe the question.
 - ii. Only the Decision-Maker is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.
 - iii. Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their party.
- l. **Mitigation/Impact Statements:** Parties may provide the Title IX Coordinator mitigation or impact statements within 3 business days following the end of the Hearing. These statements will be provided to the Decision-Maker only if the Decision-Maker has found the Respondent responsible for a Policy violation based on a preponderance of the evidence.

I. Hearing Outcome Letters

Within 10 business days of the conclusion of the Hearing, the Decision-Maker will provide the Hearing Outcome Letter to the Title IX Coordinator who will issue the Hearing Outcome Letter to the Parties via Susquehanna University email.

The Hearing Outcome Letter will include:

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

The Hearing Outcome becomes final following the determination of the appeals, if any, or upon the date following the deadline for filing an appeal, if no appeal is pursued. No further appeals of any kind are permitted. The Decision-Maker may request a reasonable extension.

J. Sanctions and Remedies

1. **Sanctions**

All sanctioning determinations are made by the Decision-Maker, though the Decision-Maker may consult with appropriate University administrators at their discretion. Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation

- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-Maker(s)

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

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

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

Primary Conduct Sanctions for Students and Student Organizations include:

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

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

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

semester. If this sanction is imposed during a semester, it may be imposed for the remainder of that semester and one additional semester.

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

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

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

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

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

Sanctions for Employees

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

2. Failure to Comply with Sanctions

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

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

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

3. Remedies

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

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

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

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

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

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

K. Appeals

Either Party may appeal the Hearing Outcome by submitting a written appeal to the Title IX Coordinator by email within 5 business days of the Decision-Maker's issuance of the Hearing Outcome Letter. The appeal must be in writing and clearly explain the basis for the appeal. If the appeal is from the outcome of a Hearing, the Parties shall have access to the record of the Hearing to prepare their appeal on such terms as the Title IX Coordinator provides.

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

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

Appeals may be based on one or more of the following grounds:

- A procedural irregularity that affected the outcome of the matter;
- The existence of new evidence that was not reasonably available at the time of the Hearing that could affect the outcome of the matter;

- The Title IX Coordinator, Investigator or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter; or
- The sanctions imposed were grossly disproportionate to the violation(s) committed.

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

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

The Parties may challenge the appointment of the Appeal Decision-Maker for bias or conflict of interest by submitting a written objection to the Title IX Coordinator via email within 2 business days of the Title IX Coordinator issuing the notice. The Title IX Coordinator, in their sole discretion, shall determine whether a new Appeal Decision-Maker should be identified.

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

For appeals from a Hearing Outcome, the Appeal Decision-Maker will issue a written Notice of Appeal Outcome, delivered simultaneously to all parties within 10 business days of the Appeal Decision-Maker's receipt of the appeal material. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

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

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

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

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

For appeals from a Dismissal in Section XIII(B), the Appeal Decision-Maker will typically issue a written decision on the appeal, including the result and a brief rationale, within 5 business days of the Decision-Maker's receipt of the appeal materials.

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

XVI. RECORDKEEPING

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

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

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

XVII. TRAINING

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

records will be maintained for at least seven years and be made publicly available on the University's website.

The University offers 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. A list of our primary prevention programs and awareness programs can be found here: <https://www.susqu.edu/campus-life/student-safety/prevention>

XVIII. UNIVERSITY AND COMMUNITY RESOURCES

A. Off Campus Medical Resources

The nearest hospital to campus is Evangelical Community Hospital. An advocate from Transitions of PA can be available to transport a Complainant to the hospital and/or meet them at the hospital.

- Evangelical Community Hospital, One Hospital Drive, Lewisburg, PA | 570-522-2770

B. Off Campus Counselors and Advocates

The following off campus resources are available:

- Transitions of PA, 120 S. 3rd St. Lewisburg, PA | 1-800-850-7948 (24/7)
- Other local counseling resources can be found on the Counseling and Psychological Services's website:

<https://www.susqu.edu/campus-life/student-and-campus-services/counseling-services>

C. Off Campus Legal Services

Off campus free legal services are available near the University. The following off campus resources are available:

- Transitions of PA, 120 S. 3rd St. Lewisburg, PA | 1-800-850-7948 (24/7)
- North Penn Legal Services, 133 N 2nd 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/

D. Off Campus Visa/Immigration Services

Off campus visa and immigration services are available. The following off campus resources are available:

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

E. Off Campus Police Services

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

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

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

How the University coordinates with local law enforcement if a report is made to both: University internal investigations and any disciplinary or remedial actions are independent of any civil, criminal or external administrative investigation. The University may pursue an investigation, take appropriate remedial action and/or impose disciplinary sanctions against a member of the University community at the same time the individual is facing criminal charges for the same incident, even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced. In the case where an individual is pursuing civil or criminal investigation the Office of Campus Safety will work alongside Selinsgrove Borough Police Department and organize a co-occurring investigation.

- Selinsgrove Borough Police Department, 100 W. Pine St. Selinsgrove, PA | 570-374-8655 | 911 (24/7)
- PA State Police Department, 81 Lorian Drive Selinsgrove, PA | 570-374-8145 | 911 (24/7)

